

EXHIBIT 7

TO

COMPLAINT

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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

PACIFIC INFORMATION RESOURCES,
 INC.,

Plaintiff,

v.

DIANA MUSSELMAN, individually; DOE 1
 d/b/a DATAHOUNDDETECTIVE.COM;
 RENEE DUNBAR, individually; ADRIAN
 PEREIRA, as an individual; ELTON
 PEREIRA, as an individual; JASON-LEO
 CARVALHO, as an individual;
 PARETOLOGIC, INC., a British Columbia,
 Canada corporation; ALEXEI BORISOV, as an
 individual; LEVON GASPARIAN, as an
 individual; AIRON CORP., a Massachusetts
 corporation; ROSSON VENTURES, LLC;
 LINDA K. ROSSON, as an individual;
 MATTHEW ROSSON, as an individual;
 BERRY T. ROSSON, as an individual;
 MEDIACHOICE, INC., an Arizona corporation
 d/b/a www.media-choice.com; ARNOLD E.
 KUENN, individually; ANDREA KUENN,
 individually; PETER DUNBAR; AND DOES
 10 through 100, inclusive, WHOSE
 IDENTITIES ARE UNKNOWN,

Defendants.

CASE NO. C06-02306 MMC

[Before the Honorable Maxine M. Chesney
 Courtroom: 7]

**NOTICE OF ERRATA RE COURT
 CAPTION DESIGNATION**

Third Amended Complaint

Filing Date: January 25, 2007

Discovery Cut-Off Date: November 7, 2007

Trial Date: May 5, 2008

Status Conference: June 8, 2007

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD AS WELL AS THIS
2 HONORABLE COURT:

3 Upon review of the Third Amended Complaint filed on or about January 25, 2007,
4 counsel for Plaintiff, PACIFIC INFORMATION RESOURCES, INC., has realized that the Court
5 Caption should be changed from **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
6 **IN AND FOR THE COUNTY OF ORANGE CENTRAL JUSTICE CENTER** to **UNITED**
7 **STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA.**

8 Respectfully submitted,

9 DATED: February 7, 2007

NOVO LAW GROUP, P.C.

10
11 BY: /s/
12 Konrad L. Trope, Esq.
13 Attorneys for Plaintiff PACIFIC
14 INFORMATION RESOURCES, INC.
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PROOF OF SERVICE

I am employed in the County of Orange, State of California in the office of a member of the Bar of this Court at whose direction this service was made. I am over the age of 18 and not a party to the within action; my business address is: **4199 Campus Drive, Suite 550, Irvine, California 92616**

On **February 7, 2007**, I served the foregoing document described as:

NOTICE OF ERRATA RE COURT CAPTION DESIGNATION

on the interested parties in this action by placing ☐ the original ☒ a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

XX BY MAIL: I deposited such envelope in the mail at Irvine, California as indicated on the attached Mailing List. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee at the address on the attached Mailing List.

BY FEDEX: I deposited such envelopes at Irvine, California for collection and delivery by Federal Express with delivery fees paid or provided for in accordance with ordinary business practices. I am "readily familiar" with the firm's practice of collection and processing packages for overnight delivery by Federal Express. They are deposited with a facility regularly maintained by Federal Express for receipt on the same day in the ordinary course of business.

BY FACSIMILE: I transmitted the foregoing document by facsimile to the party(s) identified above by using the facsimile number(s) indicated. Said transmission(s) were verified as complete and without error.

XX BY INTERNET/E-MAIL: I certify that on February 7, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing as indicated on the attached Mailing List.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **February 7, 2007**, at Irvine, California.

/s/
J. Renée Nordyke

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Pacific Information Resources v Musselman, et. al.
Case No. C06-02306 MMC

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Attorneys for Plaintiff Pacific Information Resources, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

Pacific Information Resources, Inc.,

Plaintiff,

vs.

DIANA MUSSELMAN, individually; DOE 1
 d/b/a DATAHOUNDDETECTIVE.COM;
 RENEE DUNBAR, individually; ADRIAN
 PEREIRA, as an individual; ELTON
 PEREIRA, as an individual; JASON-LEO
 CARVALHO, as an individual;
 PARETOLOGIC, INC., a British Columbia,
 Canada corporation; ALEXEI BORISOV, as an
 individual; LEVON GASPARIAN, as an
 individual; AIRON CORP., a Massachusetts
 corporation; ROSSON VENTURES, LLC;
 LINDA K. ROSSON, as an individual;
 MATTHEW ROSSON, as an individual;
 BERRY T. ROSSON, as an individual;
 MEDIACHOICE, INC., an Arizona corporation
 d/b/a www.media-choice.com; ARNOLD E.
 KUENN, individually; ANDREA KUENN,
 individually; PETER DUNBAR; AND DOES
 10 through 100, inclusive, WHOSE
 IDENTITIES ARE UNKNOWN,

Defendants.

CASE NO. C06-02306 MMC

**[Before the Honorable Maxine M.
 Chesney]**

**THIRD AMENDED COMPLAINT FOR
 DAMAGES, INJUNCTIVE RELIEF,
 ATTORNEYS' FEES, LITIGATION
 FEES, OTHER RELIEF, AND JURY
 DEMAND**

**(1) Direct Violation of Electronic
 Communications Privacy Act, 18 U.S.C. §§
 2301, et. seq.**

**(2) Vicarious Violation of Electronic
 Communications Privacy Act, 18 U.S.C. §§
 2301, et. seq.**

**(3) Contributory Violation of
 Electronic Communications Privacy Act,
 18 U.S.C. § 2301, et. seq.**

**(4) Direct Violation of Computer
 Fraud and Abuse Act, 18 U.S.C. §§ 1030,
 et. seq. (exceeding authorized use);**

**(5) Contributory Violation of
 Computer Fraud and Abuse Act, 18 U.S.C.
 §§ 1030, et. seq.;**

**(6) Vicarious Violation of Computer
 Fraud and Abuse Act, 18 U.S.C. §§ 1030,
 et. seq.;**

**(7) Direct Copyright Infringement of
 Website, 17 U.S.C. §§ 101, et. seq.;**

- (8) Contributory Copyright Infringement of Website, *17 U.S.C. §§ 101, et. seq.*;
- (9) Vicarious Copyright Infringement of Website, *17 U.S.C. §§ 101, et. seq.*;
- (10) Direct Copyright Infringement of Source Code, *17 U.S.C. §§ 101, et. seq.*;
- (11) Contributory Copyright Infringement of Source Code, *17 U.S.C. §§ 101, et. seq.*;
- (12) Vicarious Copyright Infringement of Source Code, *17 U.S.C. §§ 101, et. seq.*;
- (13) Direct Violation of Digital Millennium Copyright Act, *17 U.S.C. §§ 1201 et seq.*;
- (14) Contributory Violation of Digital Millennium Copyright Act, *17 U.S.C. §§ 1201 et seq.*;
- (15) Vicarious Violation of Digital Millennium Copyright Act, *17 U.S.C. §§ 1201 et seq.*;
- (16) Direct Infringement of Unregistered Service Marks: Lanham Act, *15 U.S.C. § 1051*;
- (17) Contributory Infringement of Unregistered Service Marks: Lanham Act, *15 U.S.C. § 1051*;
- (18) Vicarious Infringement of Unregistered Service Marks, *15 U.S.C. § 1051*;
- (19) Direct Infringement of Registered Mark: Lanham Act, *15 U.S.C. § 1125*;
- (20) Contributory Infringement of Registered Service Marks: Lanham Act, *15 U.S.C. § 1125*;
- (21) Vicarious Infringement of Registered Service Marks: Lanham Act, *15 U.S.C. § 1125*;
- (22) False Designation of Origin/False Advertising, *15 U.S.C. § 1125*;
- (23) False Endorsement Under Lanham Act, *15 U.S.C. § 1125(a)*;
- (24) Trade Name Infringement Under Lanham Act, *15 U.S.C. § 1125(a)*;
- (25) Trade Dress Infringement Under Lanham Act, *15 U.S.C. § 1125(a)*;
- (26) Infringement of Unregistered Service Mark, *Cal. Bus. & Code § 14330*;
- (27) State Statutory Trade Name Infringement, *Cal. Bus. §§ 14400, 14402*;

- (28) State Statutory Service Mark Dilution, *Cal. Bus. & Code § 14330*;
- (29) Common Law Unfair Competition;
- (30) Common Law Misappropriation;
- (31) Common Law Conversion;
- (32) False Advertising, *California Bus. & Prof. Code § 17500*;
- (33) Interference With Prospective Economic Advantage;
- (34) Unjust Enrichment and Imposition of Constructive Trust;
- (35) Unfair Competition Under Lanham Act, *15 U.S.C. § 1125*;
- (36) Dilution of Service Mark Under Lanham Act, *15 U.S.C. § 1125*;
- (37) Direct Violation of Anticybersquatting Consumer Protection Act, *15 U.S.C. §§ 1125, et. seq.* (domain name infringement);
- (38) Contributory Violation of Anticybersquatting Consumer Protection Act, *15 U.S.C. §§ 1125, et. seq.*;
- (39) Vicarious Violation of Anticybersquatting Consumer Protection Act, *15 U.S.C. §§ 1125, et. seq.*;
- (40) Misappropriation of Proprietary and Confidential Business Information (Trade Secrets), *15 U.S.C. § 1125(a)*;
- (41) Misappropriation of Trade Secrets, *Cal. Civ. Code § 3426.1*;
- (42) Unfair Competition, *California Bus. & Prof. Code § 17200*.

JURISDICTION AND VENUE

1. Plaintiff Pacific Information Resources, Inc. (“Pacific Information Resources”) brings this civil action pursuant to the Copyright Act of 1976, as amended, *17 U.S.C. § 101 et seq.*; the Digital Millennium Copyright Act, *17 U.S.C. § 1201 et seq.*; and the Anticybersquatting Consumer Protection Act, *15 U.S.C. §§ 1125, et. seq.*; the Lanham Act as codified at *15 U.S.C. §§ 1125, 1051*; and the Computer Fraud and Abuse Act, *18 U.S.C. § 1030, et. seq.* This Court has jurisdiction over the subject matter of this action pursuant to *28 U.S.C. § 1331*, *28 U.S.C. § 1338(a)*. This Court also has supplemental jurisdiction over all other claims that do not arise under a federal statute in that these supplemental claims are so related to the claims in the action

1 within such original jurisdiction of this Court they form part of the same case or controversy
2 under Article III of the United States Constitution pursuant to *28 U.S.C. § 1367*.

3 2. Venue is proper in this district pursuant to *28 U.S.C. § 1391* inasmuch as a
4 substantial part of the events or omissions giving rise to the claims for relief occurred in this
5 judicial district.

6 **INTRADISTRICT ASSIGNMENT**

7 3. Pursuant to Civil Local Rule 3-2(c) of this Court, this action should be assigned to
8 the San Jose Division of this Court. Pacific Information Resources is informed and believes and
9 thereon alleges that a substantial part of the events or omissions giving rise to the claims for
10 relief occurred in this judicial district.

11 **PARTIES**

12 4. Plaintiff is a California corporation with its principal place of business located in
13 Newbury Park, City of Thousand Oaks, County of Ventura.

14 5. Defendant DIANA MUSSELMAN d/b/a COURTSOONLINE.ORG is a resident of
15 the State of Ohio.

16 6. Plaintiff is informed and believes and thereon alleges that Defendant DOE 1 d/b/a
17 DATAHOUNDDETECTIVE.COM is either a resident of a state of the United States or a
18 corporation or other form of business organization existing under and pursuant to the laws of a
19 state of the United States.

20 7. Defendant RENEE DUNBAR d/b/a INTERNET RESEARCH ESSENTIALS and
21 also d/b/a INSTANTDETECTIVE.NET and also INSTANTDETECTIVE.COM is a resident of
22 the State of Vermont.

23 8. Defendant PARETOLOGIC, INC. d/b/a RECORDSREGISTRY.COM is a
24 corporation incorporated under and pursuant to the laws of British Columbia, Canada, with its
25 principal place of business in Victoria, British Columbia, Canada. Defendants ADRIAN
26

PEREIRA, ELTON PEREIRA and JASON-LEO CARVALHO are individuals resident in British Columbia, Canada.

9. Defendant AIRON CORP. d/b/a WEBINVESTIGATOR.ORG; BACKGROUNDRECORDS.ORG; BARGAINSHERLOCK.COM; CIVILFILES.COM; CREDITHISTORY.ORG; COURTRECORDS.ORG; CRIMINALFILES.ORG; ELIMIWARE.COM; INVESTIGATE123.COM; LEGALFILES.ORG; LIVEMP3DOWNLOADS.COM; LOCATECLASSMATES.ORG; LOCATEPEOPLE.ORG; REPOAUTOS.ORG; REPOJEWELRY.COM; REVERSEGENIE.COM; REVERSERECORDS.ORG; RMVRECORDS.ORG; SEARCHPUBLICRECORDS.ORG; SEIZED ELECTRONICS.COM; SEIZEDREALESTATE.COM; STATEAUCTIONS.ORG; UNCLAIMEDTICKETS.COM; RESTRICTEDONLY.COM; AND CISWORLDWIDE.COM is a corporation incorporated under and pursuant to the laws of a governmental sub-division of the State of Massachusetts, with its principal place of business located in Boston, Massachusetts.

10. Defendant ALEXEI BORISOV is an individual resident in the State of Massachusetts; and Defendant LEVON GASPARIAN is an individual resident in the State of Massachusetts.

11. Defendant ROSSON VENTURES, LLC d/b/a WEBSHERLOCK.COM is a Nebraska limited liability company with its principal place of business in Lincoln, Nebraska.

12. Defendants LINDA K. ROSSON, MATTHEW ROSSON, and BARRY T. ROSSON are residents of the State of Nebraska.

13. Doe Defendant 4, who was served on or about August 22, 2006 with Plaintiff's First Amended Complaint, should now be identified as MEDIACHOICE, INC., an Arizona corporation, doing business as www.mediachoice.com.

14. Doe Defendant 5, who was served on or about August 22, 2006 with Plaintiff's First Amended Complaint, should now be identified as ARNOLD E. KUENN, an individual who is a resident of the State of Arizona. Plaintiff is informed, believes and thereon alleges that

1 Arnold E. Kuenn is an officer and director of Defendant Mediachoice, Inc. d/b/a
2 www.mediachoice.com.

3 15. Doe Defendant 6, who was served on or about August 22, 2006 with Plaintiff's
4 First Amended Complaint, should now be identified as ANDREA KUENN, an individual who is
5 a resident of the State of Arizona. Plaintiff is informed, believes and thereon alleges that Andrea
6 Kuenn is an officer and director of Defendant Mediachoice, Inc., d/b/a/ www.mediachoice.com.

7 16. Doe Defendant 9, who was served on or about August 28, 2006 with Plaintiff's
8 First Amended Complaint, should now be identified as PETER DUNBAR, an individual who is
9 a resident of the State of Vermont. Plaintiff is informed, believes and thereon alleges that Peter
10 Dunbar has been doing business as Internet Research Essentials, instantdetective.net and
11 instantdective.com.

12 17. The true names and capacities of the Defendants sued in this Complaint as DOES
13 10 through 100, inclusive, whether individual, corporate, associate, or otherwise, presently are
14 unknown to Plaintiff, who therefore sues these Defendants by such fictitious names. Plaintiff
15 will amend this Complaint to set forth the true names and capacities of DOES 10 through 100,
16 inclusive, when they have been ascertained, or at the time of trial herein. Plaintiff is informed,
17 believes, and thereon alleges that each of such fictitiously named Defendants participated in
18 some manner in the events or occurrences referred to hereinafter, and/or proximately caused the
19 damages complained of herein.

20 18. Plaintiff is informed, believes and thereon alleges that, at all times herein
21 mentioned, each of the Defendants (including, inter alia, the fictitiously named Defendants) was
22 the agent, servant or employee of each of the other Defendants, and in doing the things
23 hereinafter alleged, was acting within the scope of his, her or its actual, apparent or ostensible
24 authority as such agent, servant or employee, and with the permission and consent of each such
25 co-Defendant.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

19. Plaintiff owns and operates the website located at www.searchsystems.net (the “WEBSITE”). Plaintiff has registered two copyrights concerning the WEBSITE. One registration, bearing Registration No. TX 6-275-368 protects the text of the WEBSITE, bearing the URL www.searchsystems.net. In addition, Plaintiff has a copyright registration, bearing Registration No. TX 6-275-367 which protects the PHP Hyper Text Processor source code of the WEBSITE. True and correct copies of the copyright registrations are attached hereto and incorporated herein as *Exhibit “1”*. Plaintiff also has a registration from the United States Patent and Trademark Office for its service mark consisting of the word mark “search systems” within a design or drawing bearing USPTO Trademark Registration No. 2019094 (the “SERVICE MARK”). A true and correct copy of this registration for Plaintiff’s registered SERVICE MARK is attached hereto and incorporated herein as *Exhibit “2.”* In addition, Plaintiff has continuously, for the preceding five years, at the very least, continuously and openly used variations on its registered SERVICE MARK, but such variations, while not registered, have acquired secondary meaning and thus are protected as more fully described herein. Plaintiff’s registered SERVICE MARK and unregistered service marks are collectively hereinafter referred to as the “SERVICE MARKS”. The unregistered but protected SERVICE MARKS of Plaintiff include, but are not limited to, the terms: “searchsystems”, “searchsystems.net”.

20. Plaintiff’s business is providing members of the public with access to the public records maintained by various federal, state and local governmental agencies. The applicable governmental agency typically maintains those records in some kind of a searchable database. Those individual databases aggregate a variety of business information, including items such as: corporate filings, criminal and civil court filings, vital records, property records, unclaimed property, professional licenses, bankruptcies, judgments, tax liens, and various other matters compiled from public records.

1 21. Until the WEBSITE commenced operations in 1997, it was not possible to search
2 for individual results simultaneously across a multitude of databases. As a result, a member of
3 the public attempting to locate a particular piece of information would have to laboriously search
4 each one of thousands of individual databases. Plaintiff developed the technology, which is
5 implemented on the WEBSITE, to search all of these constituent databases, simultaneously.

6 22. Rather than speculating as to the availability of a desired public record, or where
7 to locate it on the Internet, a user simply can log on to Plaintiff's website, and have access to all
8 of the publicly-available information that exists, and that is indexed and cross-referenced on the
9 WEBSITE. Furthermore, the user avoids the cumbersome necessity, with attendant time and cost
10 constraints, of consulting each one of the individual databases, if more than one of them
11 potentially contains the desired information.

12 23. In order to accomplish this outcome, Plaintiff has developed a proprietary
13 "search" computer program that enables a user to search for particular records, whereby the user
14 executes a "global" search of all of the thousands of databases indexed and cataloged by Plaintiff,
15 by entering key search terms and parameters. Coupled with the search feature is a "link" feature
16 that enables a user to "click" on the content description for an individual database, the existence
17 of which was disclosed by the search, whereupon the user automatically is re-directed to that
18 database.

19 24. Plaintiff now provides the public with access to over 35,821 linked individual
20 databases, comprising billions of public records. Before linking a new database to the
21 WEBSITE, Plaintiff evaluates each database for content and usefulness. Plaintiff also authors a
22 complete description of the database, so as to facilitate its identification and use.

23 25. Plaintiff has been "on line" since the dawn of the Internet in 1997, and the
24 WEBSITE has been extremely successful. In fact, the WEBSITE now is the primary "entry"
25 portal for access to free public records on the Internet. Indeed, Plaintiff has expended millions of
26 dollars with financial resources and countless hours of time, effort, and energy in developing,

operating and promoting the WEBSITE. Moreover, similar features of the WEBSITE, previously identified above, have required an extraordinary expenditure associated with the research and development of these features as part of maintaining, improving and updating the WEBSITE.

26. As a reflection of the reputation and success of the WEBSITE, numerous publications have reviewed, praised and identified the WEBSITE as a major or the definitive website for access to free public records on the Internet. These publications and articles encompass the period 1998 to present with recent articles in The New York Times describing the WEBSITE in very positive terms in articles published on November 5 and November 13, 2005. See true and correct copies of The New York Times articles concerning Plaintiff's WEBSITE attached hereto and incorporated herein as *Exhibit "3."*

27. In addition, other publications have, over the years, repeatedly praised the WEBSITE: Yahoo Internet Life magazine named the WEBSITE in July, 2002 as one of the Internet's "50 most incredibly useful sites"; PC World named the WEBSITE in February, 2003 as one of "the most useful sites ever"; the Wall Street Journal on September 15, 2003 called the WEBSITE "one of the best"; and recently as March 16, 2006 Poynter Online, a website devoted to journalists and providing resources to them, described the WEBSITE as a resource enabling journalists "to enrich stories and dig deeper." In addition, another publication devoted to journalism, The Columbia Journalism Review, in July, 2003 described the WEBSITE as "the best site for finding public records." See true and correct copies of articles concerning Plaintiff's WEBSITE attached hereto and incorporated herein as *Exhibit "4."*

28. Moreover, the WEBSITE has consistently been ranked by various Internet search engines such as Google, Yahoo, MSN and AOL as the "number 1" database for public records, over the past five years. The WEBSITE is the first listing to appear after a search for the phrase "public records" when using the above-listed search engines.

29. Plaintiff has certainly since 2001, if not earlier, openly posted on its WEBSITE a section known as “Terms of Service” (“TOS”) which essentially, inter alia binds the user of the WEBSITE to the Terms of Service otherwise the potential user is not authorized to access the WEBSITE. As part of the TOS, the following are defined: acceptable usage of the WEBSITE, use of the WEBSITE limited to personal use, hyperlinking being prohibited, limits on advertising, appropriate copyright and SERVICE MARKS notices, as well as disclaimer of warranties, limitation of liability, and choice of law. A true and correct copy of the TOS is attached hereto and incorporated herein as *Exhibit “5.”*

30. There came a time (within the expiration of any applicable statute of limitations) when Defendants, and each of them, embarked upon a scheme to copy the “source code” comprising the computer program that runs the WEBSITE. That source code presently is written in PHP, which stands for “PHP”: “Hypertext Processor” (“PHP”). PHP is a programming language used for developing dynamic web content, whereby the WEBSITE's content is updated seamlessly and continuously in real time as new or additional records are attached to the thousands of databases accessed through the WEBSITE, such as that found on the WEBSITE.

31. When Plaintiff originally developed the WEBSITE hosted at EarthLink in 1996 and the subsequent website at www.pac-info.com (released in 1998) the WEBSITE was designed in HTML which stands for “Hyper Text Markup Language”. Moreover at the time the WEBSITE did not have any technical protocols or technological protocols to guard from theft.

32. As Plaintiff became aware that sites of Defendants such as publicrecordfinder.com had copied Plaintiff's HTML pages, Plaintiff commenced developing a new WEBSITE that was programmed in PHP in 2001. Plaintiff's revised deployment of its website in PHP was an unequivocal attempt by Plaintiff to repel the various Defendants' “copying” incursions onto the WEBSITE. Each link destination as written and programmed in PHP for the WEBSITE, was entered into Plaintiff's database in a manner so that if and when Defendants or others tried to

1 copy Plaintiff's WEBSITE pages, they would find Link ID's corresponding to the link in
2 Plaintiff's database but not the ultimate URL (Uniform Resource Locator).

3 33. Plaintiff's programming changes from HTML to PHP were incorporated into a
4 new WEBSITE and web pages at www.searchsystems.net and released in 2001. The prior
5 programming located at pac-info.com was discontinued and all traffic to www.pac-info.com was
6 forwarded to www.searchsystems.net.

7 34. In or about 2005, Plaintiff became aware that some party or parties had gone
8 through and copied the content of Plaintiff's WEBSITE and had gone through the diligent and
9 intentional effort of determining the location of each URL for each coded link in Plaintiff's
10 website. In other words, these parties deliberately and intentionally circumvented the various
11 technological measures deployed by Plaintiff that effectively controlled access to the Database
12 contained within the WEBSITE.

13 35. Plaintiff in and about April, 2005 then changed the WEBSITE again and released
14 a new version of the WEBSITE at www.searchsystems.net which is now a "framed" WEBSITE
15 so that even if a party determined to circumvent the technological measures deployed by Plaintiff
16 that effectively control access to the Database, the URL for a particular link is hidden by the
17 frame. Plaintiff has also instituted a system in which the Database Link ID is hidden by a
18 programming system called "MD5" which is a "hash" algorithm that creates a random stream of
19 letters and numbers. Thus, anyone that clicks on to Plaintiff's website now will see the random
20 MD5 code rather than the numbered Link ID for a particular Database. Nevertheless, the acts of
21 theft and infringement and fraud committed by Defendants as described hereinabove still
22 continues to this day as more fully described herein below.

23 36. Since April, 2005, Defendants, and each of them, have invaded the WEBSITE,
24 whereby they each have successfully circumvented the technological measures deployed by
25 Plaintiff to protect Plaintiff's copyrighted works, including, but not limited to inter alia Plaintiff's
26 source code and Plaintiff's proprietary layout, design and organization of the data and links.

1 37. Defendants, and each of them, since April, 2005 circumvented the codes Plaintiff
2 developed to mask the public Universe Resource Locators of all of the links to the thousands of
3 public databases Plaintiff had established comprising the WEBSITE. Because of the unique
4 syntax and semantics of those links, Plaintiff has been able to determine that they are in fact the
5 links written by Plaintiff, as opposed to any original creation of Defendants, or any of them.
6 Furthermore, Defendants, and each of them, copied inter alia: (1) Plaintiff's selection of pertinent
7 links; (2) Plaintiff's scheme of organization for the links; (3) the categories into which the links
8 are organized; (4) and the actual original descriptions that Plaintiff authored to describe each
9 link, and (5) the database to which it directed the user.

10 38. A potential user can perform a basic search on the WEBSITE at no charge.
11 Plaintiff monetizes the WEBSITE by charging a premium for advanced services, such as a
12 shorter waiting time to access information. Defendants, and each of them, on the other hand,
13 charge a potential user for access to even rudimentary information. Shortly after Defendants, and
14 each of them, commenced their illegal pirating of Plaintiff's WEBSITE, Plaintiff was inundated
15 with complaints from persons who had paid for access to one of Defendants' sites, but who
16 thought they were accessing the WEBSITE (i.e., Plaintiff's WEBSITE). This in turn lead to
17 considerable discussion of the WEBSITE in various on-line forums, which are and have become
18 even more influential in determining the behavior and selections made by Internet users.

19 39. Many of the remarks pertaining to the WEBSITE were adverse, and Plaintiff was
20 required to devote considerable time, money, energy and expertise to maintaining its business
21 relationships with its existing customers, and to fortify the potential economic advantages it
22 anticipated deriving by transacting with future customers. The sort of "negative feedback" that
23 Plaintiff received as a result of Defendants unlawful activity is particularly ominous for a
24 company such as Plaintiff, which depends for its economic sufficiency and vitality upon the
25 goodwill and continued patronage of its customers. And, given the persistency of feedback loops
26

1 such as those that are developing on the Internet, even a few negative recommendations have the
2 potential to wreak devastating consequences.

3 **FIRST CLAIM FOR RELIEF**

4 **(For Injunctive Relief, Damages, Attorneys' Fees and Litigation Costs, and Other Relief**
5 **under the Electronic Communications Privacy Act, 18 U.S.C. §§ 2701 et seq. - Against All**
6 **Defendants)**

7 40. Plaintiff Pacific Information Resources repeats, realleges and incorporates by
8 reference as if fully set forth herein the allegations set forth in paragraphs 1 through 39 above.

9 41. Plaintiff maintains the WEBSITE under an IP (Internet Protocol) address
10 (www.searchsystems.net) that is remotely accessible using standard, commercially available
11 software. Commencing upon a date that presently is unknown to Plaintiffs but that is prior to the
12 expiration of any applicable statute of limitations, and continuing to the present, Defendants, and
13 each of them, used the Internet to gain access to the WEBSITE, using IP addresses traceable to
14 Defendants.

15 42. Upon gaining access to the WEBSITE, Defendants, and each of them, copied
16 various elements comprising the WEBSITE, including (but not limited to) Plaintiff's HTML and
17 PHP source code (the "SOURCE CODE").

18 43. The data elements comprising the WEBSITE that were accessed by Defendants,
19 and each of them, are proprietary, confidential, and highly sensitive information of Plaintiff.

20 44. Defendants, and each of them, were not authorized to access any of this
21 information.

22 45. Plaintiff is informed, believes and thereon alleges that Defendants, and each of
23 them, intentionally accessed without authorization a facility through which an electronic
24 communications service is provided, and thereby obtained, altered or prevented authorized access
25 to an electronic communication while it was in electronic storage in such system, in violation of
26 18 U.S.C. § 2701(a).

1 46. Plaintiff is informed, believes and thereon alleges that the information
2 Defendants, and each of them, took from Plaintiff, is being used by them to compete unfairly
3 with Plaintiff.

4 47. Plaintiff is informed, believes and thereon alleges that the conduct constituting the
5 violations alleged herein was committed for purposes of commercial advantage, malicious
6 destruction or damage, or private commercial gain, in violation of *18 U.S.C. § 2701(b)*.

7 48. Plaintiff further is informed, believes and thereon alleges that the conduct
8 constituting the violations alleged herein was engaged in by Defendants, and each of them, with a
9 knowing or intentional state of mind, and that it was willful or intentional.

10 49. Defendants, and each of them, in performing the conduct complained of herein,
11 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
12 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
13 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
14 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
15 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

16 50. Defendants have engaged in, continue to engage in, and unless restrained, will
17 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
18 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
19 said damages would not adequately compensate for the injury to Pacific Information Resources'
20 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
21 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
22 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
23 and permanent injunctive relief against all Defendants' for their misconduct.

SECOND CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief under the Electronic Communications Privacy Act, 18 U.S.C. §§ 2301, et. seq. -Contributory Liability Against All of the Individual Defendants)

51. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 50 above.

52. The individual Defendants have knowledge of the illegal and otherwise infringing activities described herein. Indeed, the individual Defendants induced, caused or materially contributed to the illegal or infringing conduct of the corporate Defendants named herein. These individual Defendants are corporate officers of the corporate Defendants and thus are moving, active, conscious forces behind the corporate Defendants' illegal actions.

53. Individual Defendants, Adrian Pereira, Elton Pereira and Jason-Leo Carvalho are corporate officers of Defendant Paretologic, Inc. and in their capacity as corporate officers are the moving, active conscious forces behind Defendant Paretologic, Inc.'s illegal actions described herein.

54. Indeed, such officers are personally liable as contributor infringers where they normally engage in personal conduct that encourages or assists the illegal activity.

55. Individual Defendants Alexei Borisov and Levon Gasparian are corporate officers of Defendant Airon Corporation. In their capacities as officers of corporate Defendant Airon Corporation, they had or have knowledge of the infringing activity of Airon, thus inducing, causing or materially contributing to the infringing conduct of Defendant Airon Corporation. As corporate officers of Defendant Airon, Defendants Borisov and Gasparian are the moving, active conscious forces behind Airon's illegal activities described herein and it is immaterial whether these individuals are aware that their acts would result in the illegal activities including but not limited to infringement described herein. Indeed Plaintiff is informed and believes and thereon alleges that the individual Defendants knowingly engaged in personal conduct that encourages or

1 assists the past and present illegal conduct of Defendant Airon Corporation described herein.
2 Moreover, the individual Defendants Borisov and Gasparian Plaintiff is informed and believes
3 and thereon alleges had actual knowledge or reason to know of the infringing and illegal
4 activities of Airon Corporation.

5 56. Individual Defendants Linda K. Rosson, Matthew Rosson and Barry T. Rosson
6 are controlling members or managers of the corporate Defendant Rosson Ventures, LLC.
7 Plaintiff is informed and believes and thereon alleges that the individual Rosson Defendants have
8 knowledge of the illegal activities of Rosson Ventures, LLC whereby the individual Rosson
9 Defendants induce, cause and materially contribute to the illegal conduct of Defendant Rosson
10 Ventures, LLC in that the individual Rosson Defendants are the moving, active conscious forces
11 behind the illegal activities of Rosson Ventures, LLC.

12 57. Plaintiff is informed and believes and thereon alleges that the Rosson Defendants
13 engage in personal conduct that encourages or assists the illegal activities of corporate Defendant
14 Rosson Ventures, LLC.

15 58. Plaintiff is therefore informed and believes and thereon alleges that the conduct of
16 the individual Defendants named herein materially induced, caused or contributed to the illegal
17 conduct of the corporate Defendants described herein, and each of the individual Defendants,
18 with a knowing or intentional state of mind, contributed to the conduct constituting the illegal
19 violations alleged herein by the corporate Defendants.

20 59. Plaintiff is therefore informed and believes and thereon alleges that the
21 information Defendants, each of them, took from Plaintiff is being used by them to compete
22 unfairly with Plaintiff.

23 60. Plaintiff is therefore informed and believes and thereon alleges that the conduct
24 constituting violations alleged herein is committed for the purposes of commercial advantage,
25 malicious destruction or damage, or private commercial gain, in violation of *18 U.S.C. § 2701(b)*.

61. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

62. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

THIRD CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief under the Electronic Communication Privacy Act, 18 U.S.C. §§ 2301, et. seq. - Vicarious Liability Against All of the Individual Defendants)

63. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 62 above.

64. Assuming, *arguendo*, that the individual Defendants named herein did not have actual or direct knowledge of the illegal activity of the corporate Defendants, the individual Defendants named herein are vicariously liable for the violation of 18 U.S.C. §§ 2301, et. seq. in that Plaintiff is informed and believes and thereon alleges that the individual Defendants named herein could control the illegal conduct and obtain a direct financial benefit from the illegal conduct of the corporate Defendants.

65. Plaintiff is informed and believes and thereon alleges that the individual Defendants named herein have the right and abilities to supervise the illegal activity and also have a direct financial interest in the activities of the corporate Defendants in which they are affiliated or controlled as an officer or principal shareholder or member or manager.

66. Plaintiff is informed, believes and thereon alleges that the conduct constituting the illegal activity alleged hereon was committed for the purposes of commercial advantage, malicious destruction or damage, or private commercial gain, in violation of *18 U.S.C. § 2701(b)*.

67. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

68. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

FOURTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief under the Computer Fraud and Abuse Act, *18 U.S.C. §§ 1030 et. seq.* - Against All Defendants)

69. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 68 above.

70. Plaintiff uses its computers in interstate commerce or communication and such computers therefore were “protected computers” within the meaning of *18 U.S.C. § 1030(e)(2)(B)*.

71. Defendants, and each of them, intentionally accessed Plaintiff's computers without authorization and thereby obtained information from a protected computer involved in an interstate communication, in violation of *18 U.S.C. § 1030(a)(2)*.

72. Defendants, and each of them, intentionally, without authorization, accessed Plaintiff's computers, which computers are used by and for the Government of the United States and such conduct affects that use by or for the Government of the United States, in violation of *18 U.S.C. § 1030 (a)(3)*.

73. Defendants, and each of them, knowingly caused the transmission of a program, information, code, or command, and as a result of such conduct, intentionally caused “damage” (as that term is used at *18 U.S.C. § 1030(e)(8)(A)*) without authorization, to a protected computer, in violation of *18 U.S.C. § 1030(5)(A)*.

74. Defendants, and each of them, further intentionally accessed a protected computer without authorization, and as a result of such conduct, recklessly caused damage to Plaintiff, in violation of *18 U.S.C. § 1030(a)(5)(B)*.

75. Defendants, and each of them, further intentionally accessed a protected computer without authorization, and as a result of such conduct, caused damage to Plaintiff, in violation of *18 U.S.C. § 1030(a)(5)(C)*.

76. Defendants, and each of them, further knowingly, trafficked in passwords or similar information through which a computer may be accessed without authorization, and such trafficking affected interstate commerce, in violation of *18 U.S.C. § 1030(a)(6)(A)*.

77. Defendants, and each of them, further attempted to commit all of the offenses alleged at paragraphs 30, 32, 34, 35, 36, 37 and 38, inclusive, in violation of *18 U.S.C. § 1030(b)*.

78. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

79. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

FIFTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief under the Computer Fraud and Abuse Act, 18 U.S.C. §§ 1030 et seq. - Contributory Liability Against All of the Individual Defendants)

80. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 79 above.

81. The individual Defendants had or have knowledge of the illegal and otherwise infringing activities described herein. Indeed, the individual Defendants induced, caused or materially contributed to the illegal or infringing conduct of the corporate Defendants named herein. These individual Defendants are corporate officers of the corporate Defendants and thus are the moving, active conscious forces behind the corporate Defendants' illegal actions.

82. Individual Defendants, Adrian Pereira, Elton Pereira and Jason-Leo Carvalho are corporate officers of Defendant Paretologic, Inc. and in their capacity as corporate officers are the moving, active conscious forces behind Defendant Paretologic, Inc.'s illegal actions described herein.

83. Indeed, such officers are personally liable as contributor infringers where they normally engage in personal conduct that encourages or assists the illegal activity.

84. Individual Defendants Alexei Borisov and Levon Gasparian are corporate officers of Defendant Airon Corporation. In their capacities as officers of corporate Defendant Airon Corporation, they had or have knowledge of the infringing activity of Airon, thus inducing, causing or materially contributing to the infringing conduct of Defendant Airon Corporation. As corporate officers of Defendant Airon, Defendants Borisov and Gasparian are the moving, active conscious forces behind Airon's illegal activities described herein and it is immaterial whether these individuals are aware that their acts would result in the illegal activities including but not limited to infringement described herein. Indeed Plaintiff is informed and believes and thereon alleges that the individual Defendants knowingly engaged in personal conduct that encourages or assists the past and present illegal conduct of Defendant Airon Corporation described herein. Moreover, the individual Defendants Borisov and Gasparian Plaintiff is informed and believes and thereon alleges had actual knowledge or reason to know of the infringing and illegal activities of Airon Corporation.

85. Individual Defendants Linda K. Rosson, Matthew Rosson and Barry T. Rosson are controlling members or managers of the corporate Defendant Rosson Ventures, LLC. Plaintiff is informed and believes and thereon alleges that the individual Rosson Defendants had or have knowledge of the illegal activities of Rosson Ventures, LLC whereby the individual Rosson Defendants induced, caused and materially contributed to the illegal conduct of Defendant Rosson Ventures, LLC in that the individual Rosson Defendants are the moving, active conscious forces behind the illegal activities of Rosson Ventures, LLC.

1 86. Plaintiff is informed and believes and thereon alleges that the Rosson Defendants
2 engage in personal conduct that encourages or assists the illegal activities of corporate Defendant
3 Rosson Ventures, LLC.

4 87. Plaintiff is therefore informed and believes and thereon alleges that the conduct of
5 the individual Defendants named herein materially induced, caused or contributed to the illegal
6 conduct of the corporate Defendants described herein, and each of the individual Defendants,
7 with a knowing or intentional state of mind, contributed to the conduct constituting the illegal
8 violations alleged herein by the corporate Defendants.

9 88. Plaintiff is therefore informed and believes and thereon alleges that the conduct
10 constituting violations alleged herein was committed for the purposes of commercial advantage,
11 malicious destruction or damage, or private commercial gain, in violation of *18 U.S.C. §§*
12 *2701(b), 1030*.

13 89. Defendants, and each of them, in performing the conduct complained of herein,
14 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
15 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
16 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
17 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
18 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

19 90. Defendants have engaged in, continue to engage in, and unless restrained, will
20 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
21 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
22 said damages would not adequately compensate for the injury to Pacific Information Resources'
23 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
24 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
25 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
26 and permanent injunctive relief against all Defendants' for their misconduct.

SIXTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs and Other Relief under the Computer Fraud and Abuse Act, 18 U.S.C. § 1030 et seq. - Vicarious Liability - Against All of the Individual Defendants)

91. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 90 above.

92. Assuming, *arguendo*, that the individual Defendants named herein did not have actual or direct knowledge of the illegal activity of the corporate Defendants, the individual Defendants named herein are vicariously liable for the violation of 18 U.S.C. §§ 1030, et. seq. in that Plaintiff is informed and believes and thereon alleges that the individual Defendants named herein could control the illegal conduct and obtain a direct financial benefit from the illegal conduct of the corporate Defendants.

93. Plaintiff is informed and believes and thereon alleges that the individual Defendants named herein have the right and abilities to supervise the illegal activity and also have a direct financial interest in the activities of the corporate Defendants in which they are affiliated or controlled as an officer or principal shareholder or member or manager.

94. Plaintiff is informed, believes and thereon alleges that the conduct constituting the illegal activity alleged hereon was committed for the purposes of commercial advantage, malicious destruction or damage, or private commercial gain, in violation of 18 U.S.C. §§ 1030, et. seq.

95. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

96. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

SEVENTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief Under the Copyright Act, 17 U.S.C. § 101 et seq. - Unauthorized Reproduction, Distribution and Display of Literary Work - Against All Defendants)

97. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 96 above.

98. Plaintiff created and wrote the original literary text that appears at its website located at www.searchsystems.net. That text comprises material wholly original with Plaintiff, and is copyrightable subject matter under the laws of the United States. Plaintiff secured the exclusive rights and privileges in and to the copyright text on the WEBSITE, and received from the Register of Copyrights a certificate of registration, dated and identified as follows: February 9, 2006, Registration No. TX 6-275-368. Plaintiff at all relevant times has been and still is the sole proprietor of all right, title and interest in and to the copyright described above.

99. At all times pertinent hereto, Plaintiff duly has complied with all of the provisions of the Copyright Laws of the United States applicable to the text elements of Plaintiff's website. Plaintiff is the proprietor of the statutory copyright in and to the text elements appearing at its website, and duly is possessed of all rights, title and interests therein.

100. Plaintiff is informed, believes and thereon alleges that, commencing upon a date presently unknown to Plaintiff, but within the applicable statute of limitations period, Defendants, and each of them, infringed Plaintiff's statutory copyright in and to the text elements appearing at Plaintiff's website, by reproducing, distributing and displaying copies of such text elements.

101. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

102. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

EIGHTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief Under the Copyright Act, 17 U.S.C. § 101 et. seq. - Contributory Liability for Unauthorized Reproduction, Distribution and Display of Literary Work - Against All of the Individual Defendants)

103. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 102 above.

1 104. The individual Defendants had or have knowledge of the illegal and otherwise
2 infringing activities described herein. Indeed, the individual Defendants induced, caused or
3 materially contributed to the illegal or infringing conduct of the corporate Defendants named
4 herein. These individual Defendants are corporate officers of the corporate Defendants and thus
5 are the moving, active conscious forces behind the corporate Defendants' illegal actions.

6 105. Individual Defendants, Adrian Pereira, Elton Pereira and Jason-Leo Carvalho are
7 corporate officers of Defendant Paretologic, Inc. and in their capacity as corporate officers are the
8 moving, active conscious forces behind Defendant Paretologic, Inc.'s illegal actions described
9 herein.

10 106. Indeed, such officers are personally liable as contributor infringers where they
11 normally engage in personal conduct that encourages or assists the illegal activity.

12 107. Individual Defendants Alexei Borisov and Levon Gasparian are corporate officers
13 of Defendant Airon Corporation. In their capacities as officers of corporate Defendant Airon
14 Corporation, they had or have knowledge of the infringing activity of Airon, thus inducing,
15 causing or materially contributing to the infringing conduct of Defendant Airon Corporation. As
16 corporate officers of Defendant Airon, Defendants Borisov and Gasparian are the moving, active,
17 conscious forces behind Airon's illegal activities described herein and it is immaterial whether
18 these individuals are aware that their acts would result in the illegal activities including but not
19 limited to infringement described herein. Indeed Plaintiff is informed and believes and thereon
20 alleges that the individual Defendants knowingly engaged in personal conduct that encourages or
21 assists the past and present illegal conduct of Defendant Airon Corporation described herein.
22 Moreover, the individual Defendants Borisov and Gasparian Plaintiff is informed and believes
23 and thereon alleges had actual knowledge or reason to know of the infringing and illegal
24 activities of Airon Corporation.

25 108. Individual Defendants Linda K. Rosson, Matthew Rosson and Barry T. Rosson
26 are controlling members or managers of the corporate Defendant Rosson Ventures, LLC.

1 Plaintiff is informed and believes and thereon alleges that the individual Rosson Defendants had
2 or have knowledge of the illegal activities of Rosson Ventures, LLC whereby the individual
3 Rosson Defendants induce, cause and materially contribute to the illegal conduct of Defendant
4 Rosson Ventures, LLC in that the individual Rosson Defendants are the moving, active conscious
5 forces behind the illegal activities of Rosson Ventures, LLC.

6 109. Plaintiff is informed and believes and thereon alleges that the Rosson Defendants
7 engage in personal conduct that encourages or assists the illegal activities of corporate Defendant
8 Rosson Ventures, LLC.

9 110. Defendants, and each of them, in performing the conduct complained of herein,
10 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
11 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
12 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
13 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
14 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

15 111. Defendants have engaged in, continue to engage in, and unless restrained, will
16 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
17 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
18 said damages would not adequately compensate for the injury to Pacific Information Resources'
19 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
20 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
21 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
22 and permanent injunctive relief against all Defendants' for their misconduct.

NINTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief Under the Copyright Act, 17 U.S.C. § 101 et. seq. - Vicarious Liability for Unauthorized Reproduction, Distribution and Display of Literary Work - Against All of the Individual Defendants)

112. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 111 above.

113. Assuming, *arguendo*, that the individual Defendants named herein did not have actual or direct knowledge of the illegal activity of the corporate Defendants, the individual Defendants named herein are vicariously liable for the violation of 17 U.S.C. §§ 101, et. seq. in that Plaintiff is informed and believes and thereon alleges that the individual Defendants named herein could control the illegal conduct and obtain a direct financial benefit from the illegal conduct of the corporate Defendants.

114. Plaintiff is informed and believes and thereon alleges that the individual Defendants named herein have the right and abilities to supervise the illegal activity and also have a direct financial interest in the activities of the corporate Defendants in which they are affiliated or controlled as an officer or principal shareholder or member or manager.

115. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

116. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that

1 said damages would not adequately compensate for the injury to Pacific Information Resources'
 2 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
 3 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
 4 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
 5 and permanent injunctive relief against all Defendants' for their misconduct.

6 **TENTH CLAIM FOR RELIEF**

7 **(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief Under** 8 **the Copyright Act, 17 U.S.C. § 101 et seq. - Unauthorized Reproduction and Distribution of** 9 **Computer Program - Against All Defendants)**

10 117. Plaintiff Pacific Information Resources repeats, realleges and incorporates by
 11 reference as if fully set forth herein the allegations set forth in paragraphs 1 through 116 above.

12 118. The computer program developed by Plaintiff to operate its website located at
 13 www.searchsystems.net comprises a substantial amount of material wholly original with
 14 Plaintiff, and is copyrightable subject matter under the laws of the United States. That computer
 15 program commonly is referred to as "source code," i.e., a set of statements or instructions to be
 16 used directly or indirectly in a computer in order to bring about a certain result.

17 119. On February 9, 2006, Plaintiff secured the exclusive rights and privileges in and to
 18 the statutory copyright in the source code that operates Plaintiff's website as a published work,
 19 and duly registered a claim thereto in the United States Copyright Office, evidenced by a
 20 Certificate of Registration issued by the Register of Copyrights, dated and identified as follows:
 21 "TX 6-275-367".

22 120. At all times pertinent hereto, Plaintiff duly has complied with all of the provisions
 23 of the Copyright Laws of the United States applicable to the source code element of Plaintiff's
 24 website. Plaintiff is the proprietor of the statutory copyright in and to the source code operating
 25 its website, and duly is possessed of all rights, title and interests therein.

121. Plaintiff is informed, believes and thereon alleges that, commencing upon a date presently unknown to Plaintiff, but within the applicable statute of limitations period, Defendants, and each of them, infringed Plaintiff's statutory copyright in and to the source code operating Plaintiff's website, by reproducing, distributing and displaying copies of such text elements.

122. In particular, but without limitation, Plaintiff is informed, believes and thereon alleges that, on a date that presently is unknown to Plaintiff, Defendants, and each of them, created a website or websites that contain "mirror images" of Plaintiff's website located at www.searchsystems.net. Defendants' sites are located at the following URLs:

Name of Defendant	URL
DIANA MUSSELMAN d/b/a COURTSONLINE.ORG	www.courtsonline.org
DOE 1 d/b/a DATAHOUNDDETECTIVE.COM	www.datahounddetective.com
RENEE DUNBAR d/b/a INTERNET RESEARCH ESSENTIALS also d/b/a INSTANTDETECTIVE.NET also d/b/a INSTANTDETECTIVE.COM	www.instantdetective.net www.instantdetective.com
PARETOLOGIC, INC. d/b/a RECORDSREGISTRY.COM; ADRIAN PEREIRA; ELTON PEREIRA; and JASON-LEO CARVALHO	www.recordsregistry.com

<p> AIRON CORP. d/b/a WEBINVESTIGATOR.ORG; BACKGROUNDRECORDS.ORG; BARGAINSHERLOCK.COM; CIVILFILES.COM; CREDITHISTORY.ORG; COURTRECORDS.ORG; CRIMINALFILES.ORG; ELIMIWARE.COM; INVESTIGATE123.COM; LEGALFILES.ORG; LIVEMP3DOWNLOADS.COM; LOCATECLASSMATES.ORG; LOCATEPEOPLE.ORG; REPOAUTOS.ORG; REPOJEWELRY.COM; REVERSEGENIE.COM; REVERSERECORDS.ORG; RMVRECORDS.ORG; SEARCHPUBLICRECORDS.ORG; SEIZEDELECTRONICS.COM; SEIZEDREALESTATE.COM; STATEAUCTIONS.ORG; UNCLAIMEDTICKETS.COM; RESTRICTEDONLY.COM; AND CISWORLDWIDE.COM </p>	<p> www.webinvestigator.org www.backgroundrecords.org www.bargainsherlock.com; www.civilfiles.com www.credithistory.org www.courtrecords.org www.criminalfiles.org www.elimiware.com www.investigate123.com www.legalfiles.org www.livemp3downloads.com www.locateclassmates.org www.locatepeople.org www.repoautos.org www.repojewelry.com www.reversegenie.com www.reverserecords.org www.rmvrecords.org www.searchpublicrecords.org www.seizedelectronics.com www.seizedrealestate.com www.stateauctions.org www.unclaimedtickets.com www.restrictedonly.com www.cisworldwide.com </p>
<p> ROSSON VENTURES, LLC d/b/a WEBSHERLOCK.COM; LINDA K. ROSSON, MATTHEW ROSSON, BERRY T. ROSSON </p>	<p>www.websherlock.com</p>

123. At each of their respective sites, Defendants, and each of them, copied, duplicated, and in fact imported wholesale all of the source code underlying Plaintiff's Database, including the "search" and "link" functions found on Plaintiff's WEBSITE. This activity was undertaken without Plaintiff's knowledge or consent.

124. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of

1 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
2 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

3 125. Defendants have engaged in, continue to engage in, and unless restrained, will
4 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
5 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
6 said damages would not adequately compensate for the injury to Pacific Information Resources'
7 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
8 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
9 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
10 and permanent injunctive relief against all Defendants' for their misconduct.

11 **ELEVENTH CLAIM FOR RELIEF**

12 **(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief Under**
13 **the Copyright Act, 17 U.S.C. § 101 et. seq. - Contributory Liability for Unauthorized**
14 **Reproduction, Distribution and Display of Computer Program - Against All of the**
15 **Individual Defendants)**

16 126. Plaintiff Pacific Information Resources repeats, realleges and incorporates by
17 reference as if fully set forth herein the allegations set forth in paragraphs 1 through 125 above.

18 127. The individual Defendants had or have knowledge of the illegal and otherwise
19 infringing activities described herein. Indeed, the individual Defendants induced, caused or
20 materially contributed to the illegal or infringing conduct of the corporate Defendants named
21 herein. These individual Defendants are corporate officers of the corporate Defendants and thus
22 are the moving, active conscious forces behind the corporate Defendants' illegal actions.

23 128. Individual Defendants, Adrian Pereira, Elton Pereira and Jason-Leo Carvalho are
24 corporate officers of Defendant Paretologic, Inc. and in their capacity as corporate officers are the
25 moving, active conscious forces behind Defendant Paretologic, Inc.'s illegal actions described
26 herein.

1 129. Indeed, such officers are personally liable as contributor infringers where they
2 normally engage in personal conduct that encourages or assists the illegal activity.

3 130. Individual Defendants Alexei Borisov and Levon Gasparian are corporate officers
4 of Defendant Airon Corporation. In their capacities as officers of corporate Defendant Airon
5 Corporation, they had or have knowledge of the infringing activity of Airon, thus inducing,
6 causing or materially contributing to the infringing conduct of Defendant Airon Corporation. As
7 corporate officers of Defendant Airon, Defendants Borisov and Gasparian are the moving, active
8 conscious forces behind Airon's illegal activities described herein and it is immaterial whether
9 these individuals are aware that their acts would result in the illegal activities including but not
10 limited to infringement described herein. Indeed Plaintiff is informed and believes and thereon
11 alleges that the individual Defendants knowingly engaged in personal conduct that encourages or
12 assists the past and present illegal conduct of Defendant Airon Corporation described herein.
13 Moreover, the individual Defendants Borisov and Gasparian Plaintiff is informed and believes
14 and thereon alleges had actual knowledge or reason to know of the infringing and illegal
15 activities of Airon Corporation.

16 131. Individual Defendants Linda K. Rosson, Matthew Rosson and Barry T. Rosson
17 are controlling members or managers of the corporate Defendant Rosson Ventures, LLC.
18 Plaintiff is informed and believes and thereon alleges that the individual Rosson Defendants have
19 knowledge of the illegal activities of Rosson Ventures, LLC whereby the individual Rosson
20 Defendants induce, cause and materially contribute to the illegal conduct of Defendant Rosson
21 Ventures, LLC in that the individual Rosson Defendants are the moving, active conscious forces
22 behind the illegal activities of Rosson Ventures, LLC.

23 132. Plaintiff is informed and believes and thereon alleges that the Rosson Defendants
24 engage in personal conduct that encourages or assists the illegal activities of corporate Defendant
25 Rosson Ventures, LLC.

133. Plaintiff is therefore informed and believes and thereon alleges that the conduct of the individual Defendants named herein materially induced, caused or contributed to the illegal conduct of the corporate Defendants described herein, and each of the individual Defendants, with a knowing or intentional state of mind, contributed to the conduct constituting the illegal violations alleged herein by the corporate Defendants.

134. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

135. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

TWELFTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief Under the Copyright Act, 17 U.S.C. §§ 101 et. seq. - Vicarious Liability for Unauthorized Reproduction, Distribution and Display of Computer Program - Against All of the Individual Defendants)

136. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 135 above.

1 137. Assuming, *arguendo*, that the individual Defendants named herein did not have
2 actual or direct knowledge of the illegal activity of the corporate Defendants, the individual
3 Defendants named herein are vicariously liable for the violation of *18 U.S.C. §§ 101, et. seq.* in
4 that Plaintiff is informed and believes and thereon alleges that the individual Defendants named
5 herein could control the illegal conduct and obtain a direct financial benefit from the illegal
6 conduct of the corporate Defendants.

7 138. Plaintiff is informed and believes and thereon alleges that the individual
8 Defendants named herein have the right and abilities to supervise the illegal activity and also
9 have a direct financial interest in the activities of the corporate Defendants in which they are
10 affiliated or controlled as an officer or principal shareholder or member or manager.

11 139. Defendants, and each of them, in performing the conduct complained of herein,
12 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
13 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
14 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
15 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
16 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

17 140. Defendants have engaged in, continue to engage in, and unless restrained, will
18 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
19 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
20 said damages would not adequately compensate for the injury to Pacific Information Resources'
21 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
22 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
23 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
24 and permanent injunctive relief against all Defendants' for their misconduct.

THIRTEENTH CLAIM FOR RELIEF**(For Injunctive Relief, Damages, Attorneys' Fees and Litigation Costs, and Other Relief
Under the Digital Millennium Copyright Act, 17 U.S.C. § 1201 et seq. - Circumvention of
Copyright Protection - Against All Defendants)**

141. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 140 above.

142. Plaintiff is informed, believes and thereon alleges that Defendants, and each of them, have circumvented various technological measures deployed by Plaintiff that effectively control access to the Database. In particular, but without limitation, Plaintiff originally used a programming language called HyperText Markup Language ("HTML") to create the pages of its website. In order to improve security, Plaintiff later transitioned to another programming language called PHP: Hypertext Preprocessor ("PHP") and incorporated into MDS the PHP version of the WEBSITE. This measure, in the ordinary course of its operation, required the application of information, or a process or a treatment, with the authority of the copyright owner, in order to gain access to the work.

143. Plaintiff is informed, believes, and thereon alleges that Defendants, and each of them, "cracked" or "reverse engineered" Plaintiff's MDS enhanced PHP source code, thereby circumventing, avoiding, bypassing, removing, deactivating, or impairing the technological measures deployed by Plaintiff that effectively controlled access to a copyrighted work, i.e., Plaintiff's computer source code, in a manner and for a purpose not permitted by the Digital Millennium Copyright Act.

144. Plaintiff further is informed, believes and thereon alleges that the primary reason why Defendants, and each of them, undertook such activities, was so that they could unlawfully use, "reverse engineer," and copy Plaintiff's database, in order to improve the performance and features of their own websites, respectively, and to develop a product or products that each of such Defendants would attempt to market in competition with Plaintiff.

1 145. Defendants, and each of them, in fact unlawfully copied Plaintiff's computer
2 SOURCE CODE, and utilized it in the operation of each of their respective websites. Plaintiff is
3 informed, believes and thereon alleges that such conduct by Defendants, and each of them, was
4 knowing and willful, and undertaken for the specific purpose of duplicating Plaintiff's computer
5 SOURCE CODE and infringing Plaintiff's copyright therein and thereto. By copying Plaintiff's
6 SOURCE CODE, Defendants, and each of them, have developed, or are in the process of
7 developing, one or more products or portions thereof that are identical or substantially similar to
8 Plaintiff's SOURCE CODE in their underlying logic, structure, organization and sequence, as
9 well as in various other respects.

10 146. The natural, probable and foreseeable result and consequence of Defendants'
11 conduct, and that of each of them, as set forth herein, has been and will continue to be to deprive
12 Plaintiff of business; to deprive Plaintiff of goodwill; to injure Plaintiff's relations with
13 prospective customers; and to impose substantial expenses on Plaintiff to counteract the
14 aforesaid conduct. Plaintiff has lost or will lose substantial revenues derived from the
15 commercial operation of its website, and has sustained or will sustain damages as a result of the
16 wrongful conduct of Defendants, and each of them, as alleged herein.

17 147. For example, but not by way of limitation, because Defendants have not incurred
18 the substantial research and development costs, and other overhead expenses associated with
19 developing and improving Plaintiff's website, Defendants, and each of them, will be able to
20 market and sell their respective infringing products at lower cost than those Plaintiff must charge.
21 As a result, the sale and marketing of any infringing products has and will continue to artificially
22 erode the price that potential customers will be willing to pay to Plaintiff for the use of Plaintiff's
23 website, and that prospective advertisers will be willing to pay in order to access those potential
24 customers.

25 148. Defendants, and each of them, in performing the conduct complained of herein,
26 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.

Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

149. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

FOURTEENTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief Under the Digital Millennium Copyright Act, 17 U.S.C. §§ 1201 et. seq. - Contributory Liability for Unauthorized Reproduction, Distribution and Display of Circumvention of Copyright Protection - Against All of the Individual Defendants)

150. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 149 above.

151. The individual Defendants had or have knowledge of the illegal and otherwise infringing activities described herein. Indeed, the individual Defendants induced, caused or materially contributed to the illegal or infringing conduct of the corporate Defendants named herein. These individual Defendants are corporate officers of the corporate Defendants and thus are the moving, active conscious forces behind the corporate Defendants' illegal actions.

152. Individual Defendants, Adrian Pereira, Elton Pereira and Jason-Leo Carvalho are corporate officers of Defendant Paretologic, Inc. and in their capacity as corporate officers are the

1 moving, active conscious forces behind Defendant Paretologic, Inc.'s illegal actions described
2 herein.

3 153. Indeed, such officers are personally liable as contributor infringers where they
4 normally engage in personal conduct that encourages or assists the illegal activity.

5 154. Individual Defendants Alexei Borisov and Levon Gasparian are corporate officers
6 of Defendant Airon Corporation. In their capacities as officers of corporate Defendant Airon
7 Corporation, they had or have knowledge of the infringing activity of Airon, thus inducing,
8 causing or materially contributing to the infringing conduct of Defendant Airon Corporation. As
9 corporate officers of Defendant Airon, Defendants Borisov and Gasparian are the moving, active
10 conscious forces behind Airon's illegal activities described herein and it is immaterial whether
11 these individuals are aware that their acts would result in the illegal activities including but not
12 limited to infringement described herein. Indeed Plaintiff is informed and believes and thereon
13 alleges that the individual Defendants knowingly engaged in personal conduct that encourages or
14 assists the past and present illegal conduct of Defendant Airon Corporation described herein.
15 Moreover, the individual Defendants Borisov and Gasparian Plaintiff is informed and believes
16 and thereon alleges had actual knowledge or reason to know of the infringing and illegal
17 activities of Airon Corporation.

18 155. Individual Defendants Linda K. Rosson, Matthew Rosson and Barry T. Rosson
19 are controlling members or managers of the corporate Defendant Rosson Ventures, LLC.
20 Plaintiff is informed and believes and thereon alleges that the individual Rosson Defendants have
21 knowledge of the illegal activities of Rosson Ventures, LLC whereby the individual Rosson
22 Defendants induce, cause and materially contribute to the illegal conduct of Defendant Rosson
23 Ventures, LLC in that the individual Rosson Defendants are the moving, active conscious forces
24 behind the illegal activities of Rosson Ventures, LLC.

1 156. Plaintiff is informed and believes and thereon alleges that the Rosson Defendants
2 engage in personal conduct that encourages or assists the illegal activities of corporate Defendant
3 Rosson Ventures, LLC.

4 157. Plaintiff is therefore informed and believes and thereon alleges that the conduct of
5 the individual Defendants named herein materially induced, caused or contributed to the illegal
6 conduct of the corporate Defendants described herein, and each of the individual Defendants,
7 with a knowing or intentional state of mind, contributed to the conduct constituting the illegal
8 violations alleged herein by the corporate Defendants.

9 158. Plaintiff is therefore informed and believes and thereon alleges that the individual
10 Defendants, each of them, took from Plaintiff is being used by them to compete unfairly with
11 Plaintiff.

12 159. Defendants, and each of them, in performing the conduct complained of herein,
13 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
14 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
15 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
16 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
17 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

18 160. Defendants have engaged in, continue to engage in, and unless restrained, will
19 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
20 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
21 said damages would not adequately compensate for the injury to Pacific Information Resources'
22 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
23 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
24 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
25 and permanent injunctive relief against all Defendants' for their misconduct.

FIFTEENTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief under the Digital Millennium Copyright Act, 17 U.S.C. §§ 1201 et. seq. - Vicarious Liability for Unauthorized Reproduction, Distribution and Display of Circumvention of Copyright Protection - Against All of the Individual Defendants)

161. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 160 above.

162. Assuming, *arguendo*, that the individual Defendants named herein did not have actual or direct knowledge of the illegal activity of the corporate Defendants, the individual Defendants named herein are vicariously liable for the violation of 17 U.S.C. §§ 1201, et. seq. in that Plaintiff is informed and believes and thereon alleges that the individual Defendants named herein could control the illegal conduct and obtain a direct financial benefit from the illegal conduct of the corporate Defendants.

163. Plaintiff is informed and believes and thereon alleges that the individual Defendants named herein have the right and abilities to supervise the illegal activity and also have a direct financial interest in the activities of the corporate Defendants in which they are affiliated or controlled as an officer or principal shareholder or member or manager.

164. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

165. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that

1 said damages would not adequately compensate for the injury to Pacific Information Resources'
 2 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
 3 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
 4 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
 5 and permanent injunctive relief against all Defendants' for their misconduct.

6 **SIXTEENTH CLAIM FOR RELIEF**

7 **(For Damages, Injunctive Relief, Attorneys' Fees, Litigation Costs and Other Relief for**
 8 **Infringement of Unregistered SERVICE MARKS - § 43(a) of the Lanham Act, 15 U.S.C. §**
 9 **1125 - Against All Defendants)**

10 166. Plaintiff Pacific Information Resources repeats, realleges and incorporates by
 11 reference as if fully set forth herein the allegations set forth in paragraphs 1 through 165 above.

12 167. Plaintiff has operated various versions of its website located at
 13 www.searchsystems.net since 1997. During the interval of time between then and the present,
 14 Plaintiff's website has been viewed by millions of persons, and is regarded as the premier web
 15 site on the World Wide Web for governmental and public records searches. Plaintiff's term
 16 SERVICE MARKS, together with the trade dress, design and features of Plaintiff's website, are
 17 inherently distinctive, because their intrinsic nature serves to identify them as coming from a
 18 particular source, that is, Plaintiff. That notwithstanding, they also have acquired significant
 19 secondary meaning, and the SERVICE MARKS "search systems" and Plaintiff's website have
 20 become synonymous in the mind of the public, because they identify the source of the product,
 21 rather than the product itself.

22 168. Defendants, and each of them, used the SERVICE MARKS "search systems," and
 23 various cognates, in interstate commerce, without Plaintiff's consent, in connection with the sale,
 24 offering for sale, distribution, or advertising of goods and services at their respective websites, in
 25 a way that is likely to mislead or cause confusion among ordinary prudent purchasers. Such use
 26 by Defendants, and each of them, of the term "search systems," and various cognates, is both a

1 false or misleading designation of origin, and a false or misleading description or representation
2 of fact.

3 169. Among other factors, consumers were mislead (confused) into thinking that
4 Plaintiff was the originator or proprietor of the various websites operated by Defendants, and
5 each of them, and of the goods and services sold at such sites; that Plaintiff somehow was
6 affiliated, connected or associated with Defendants, or any of them; and that Plaintiff somehow
7 had endorsed or approved the websites of Defendants, and each of them, and the goods or
8 services sold at such sites. The classes of goods and services (viz, public records searches)
9 offered by Defendants, and each of them, are virtually identical with the goods and services
10 offered by Plaintiff. In fact (by way of example, but not by way of limitation), Plaintiff has
11 received numerous e-mail messages in the nature of complaints from consumers who thought
12 they had received goods from, or subscribed to services offered by Plaintiff, when in fact they
13 had subscribed to misleadingly-similar services offered by Defendants, or received goods from
14 Defendants.

15 170. The imitation, copying, and unauthorized use by Defendants, and each of them, of
16 Plaintiffs' SERVICE MARKS and trade dress, has caused and will continue to cause irreparable
17 injury to Plaintiff, including (but not limited to) injury to Plaintiff's business, reputation, and
18 dilution of the distinctive qualities of Plaintiff's SERVICE MARKS and trade dress.

19 171. Defendants, and each of them, in performing the conduct complained of herein,
20 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
21 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
22 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
23 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
24 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

25 172. Defendants have engaged in, continue to engage in, and unless restrained, will
26 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will

suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

SEVENTEENTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For Infringement of Unregistered SERVICE MARKS § 43(a) of the Lanham Act, 15 U.S.C. § 1125 et. seq. - Contributory Liability - Against All of the Individual Defendants)

173. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 172 above.

174. The individual Defendants had or have knowledge of the illegal and otherwise infringing activities described herein. Indeed, the individual Defendants induced, caused or materially contributed to the illegal or infringing conduct of the corporate Defendants named herein. These individual Defendants are corporate officers of the corporate Defendants and thus are the moving, active conscious forces behind the corporate Defendants' illegal actions.

175. Individual Defendants, Adrian Pereira, Elton Pereira and Jason-Leo Carvalho are corporate officers of Defendant Paretologic, Inc. and in their capacity as corporate officers are the moving, active conscious forces behind Defendant Paretologic, Inc.'s illegal actions described herein.

176. Indeed, such officers are personally liable as contributor infringers where they normally engage in personal conduct that encourages or assists the illegal activity.

177. Individual Defendants Alexei Borisov and Levon Gasparian are corporate officers of Defendant Airon Corporation. In their capacities as officers of corporate Defendant Airon Corporation, they had or have knowledge of the infringing activity of Airon, thus inducing,

1 causing or materially contributing to the infringing conduct of Defendant Airon Corporation. As
2 corporate officers of Defendant Airon, Defendants Borisov and Gasparian are the moving, active
3 conscious forces behind Airon's illegal activities described herein and it is immaterial whether
4 these individuals are aware that their acts would result in the illegal activities including but not
5 limited to infringement described herein. Indeed Plaintiff is informed and believes and thereon
6 alleges that the individual Defendants knowingly engaged in personal conduct that encourages or
7 assists the past and present illegal conduct of Defendant Airon Corporation described herein.
8 Moreover, the individual Defendants Borisov and Gasparian Plaintiff is informed and believes
9 and thereon alleges had actual knowledge or reason to know of the infringing and illegal
10 activities of Airon Corporation.

11 178. Individual Defendants Linda K. Rosson, Matthew Rosson and Barry T. Rosson
12 are controlling members or managers of the corporate Defendant Rosson Ventures, LLC.
13 Plaintiff is informed and believes and thereon alleges that the individual Rosson Defendants have
14 knowledge of the illegal activities of Rosson Ventures, LLC whereby the individual Rosson
15 Defendants induce, cause and materially contribute to the illegal conduct of Defendant Rosson
16 Ventures, LLC in that the individual Rosson Defendants are the moving, active conscious forces
17 behind the illegal activities of Rosson Ventures, LLC.

18 179. Plaintiff is informed and believes and thereon alleges that the Rosson Defendants
19 engage in personal conduct that encourages or assists the illegal activities of corporate Defendant
20 Rosson Ventures, LLC.

21 180. Plaintiff is therefore informed and believes and thereon alleges that the conduct of
22 the individual Defendants named herein materially induced, caused or contributed to the illegal
23 conduct of the corporate Defendants described herein, and each of the individual Defendants,
24 with a knowing or intentional state of mind, contributed to the conduct constituting the illegal
25 violations alleged herein by the corporate Defendants.

181. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

182. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

EIGHTEENTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief for Infringement of Unregistered SERVICE MARKS - §43(a) of the Lanham Act, 15 U.S.C. § 1125 et. seq. - Vicarious Liability Against All of the Individual Defendants)

183. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 182 above.

184. Assuming, *arguendo*, that the individual Defendants named herein did not have actual or direct knowledge of the illegal activity of the corporate Defendants, the individual Defendants named herein are vicariously liable for the violation of 15 U.S.C. § 1125 in that Plaintiff is informed and believes and thereon alleges that the individual Defendants named herein could control the illegal conduct and obtain a direct financial benefit from the illegal conduct of the corporate Defendants.

1 185. Plaintiff is informed and believes and thereon alleges that the individual
2 Defendants named herein have the right and abilities to supervise the illegal activity and also
3 have a direct financial interest in the activities of the corporate Defendants in which they are
4 affiliated or controlled as an officer or principal shareholder or member or manager.

5 186. Defendants, and each of them, in performing the conduct complained of herein,
6 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
7 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
8 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
9 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
10 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

11 187. Defendants have engaged in, continue to engage in, and unless restrained, will
12 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
13 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
14 said damages would not adequately compensate for the injury to Pacific Information Resources'
15 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
16 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
17 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
18 and permanent injunctive relief against all Defendants' for their misconduct.

19 **NINETEENTH CLAIM FOR RELIEF**

20 **(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For**
21 **Direct Infringement of Registered SERVICE MARKS-- 15 U.S.C. § 1114 - Against All**
22 **Defendants)**

23 188. Plaintiff Pacific Information Resources repeats, realleges and incorporates by
24 reference as if fully set forth herein the allegations set forth in paragraphs 1 through 187 above.

25 189. Since 1996, Plaintiff has had a registration for its SERVICE MARK bearing
26 United States Patent and Trademark Office, Service Mark Registration Number 2019094. A true

1 and correct copy of Plaintiff's registration with the United States Patent and Trademark Office is,
2 as previously noted, attached hereto and incorporated herein as *Exhibit "2."*

3 190. The registration has become incontestable under *15 U.S.C. § 1065* in 2002.

4 191. The consuming public and trade have come to associate Plaintiff's mark
5 "searchsystems.net" as an indication of Plaintiff Pacific Information Resources' as the source of
6 the manufacture, sponsorship for approval of and providing of the services and products which
7 can be obtained through use of the website www.searchsystems.net. Through Plaintiff's
8 investment of time, money and effort, Plaintiff has developed substantial goodwill in its mark
9 "searchsystems.net" among the consuming public that uses the Internet, as more specifically
10 described in paragraphs 19 through 28.

11 192. Defendants have had knowledge of the mark "searchsystems.net" used by
12 Plaintiff, and of their successful use of the mark, by virtue of Defendants engaging in the illegal
13 activity of going into Plaintiff's website and copying Plaintiff's customized links, copy of
14 Plaintiff's website, and also creating mass consumer confusion whereby Defendants, cause
15 unsuspecting consumers to be routed back to Plaintiff for complaints regarding membership fees
16 and so forth. See paragraphs 30 through 39 of this instant Complaint, *supra*.

17 193. In short, Defendants, and each of them, have charged various unsuspecting
18 consumers/users for access to their illegal and infringing sites. But, in the process, of providing
19 the unauthorized information of Plaintiff's links to various sites, Defendants invariably,
20 inevitably and repeatedly used Plaintiff's website URL, www.searchsystems.net as indicating the
21 source for these services or the source where complaints should be pursued. Indeed, Plaintiff has
22 been inundated with complaints from (confused) persons who have paid for access to one of
23 Defendants' sites, who thought that they were accessing the WEBSITE (i.e., Plaintiff's
24 WEBSITE). This in turn has lead to considerable discussion of the WEBSITE in various on-line
25 forums, which have become even more influential in determining behavior and selections made
26 by Internet users.

1 194. By virtue of Defendants causing consumers to become confused in mistaken
2 Plaintiff's URL for the Defendants' sites the Defendants' URLs, the trade and consuming public is
3 currently greatly confused or deceived into believing that the Defendants' services and websites
4 are provided by or in conjunction with or the approval of Plaintiff. See *Exhibit "6,"* containing
5 true and correct copies of numerous emails complaining to Plaintiff about passwords and fees
6 paid when Plaintiff has never previously been in contact with these consumers and indeed never
7 charged for the basic services as previously discussed herein, in contrast to Defendants.

8 195. Defendants have infringed Plaintiff's rights in its federally registered mark and as
9 a result has caused and will continue to cause actual and irreparable damage to the goodwill and
10 reputation of Plaintiff Pacific Information Resources in violation of the Lanham Act, 15 U.S.C. §
11 1114.

12 196. Defendants, and each of them, in performing the conduct complained of herein,
13 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
14 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
15 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
16 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
17 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

18 197. Defendants have engaged in, continue to engage in, and unless restrained, will
19 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
20 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
21 said damages would not adequately compensate for the injury to Pacific Information Resources'
22 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
23 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
24 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
25 and permanent injunctive relief against all Defendants' for their misconduct.

TWENTIETH CLAIM FOR RELIEF

**(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For
Infringement of Registered SERVICE MARKS - 15 U.S.C. § 1114 - Contributory Liability
Against All Defendants)**

198. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 197 above.

199. The individual Defendants had or have knowledge of the illegal and otherwise infringing activities described herein. Indeed, the individual Defendants induced, caused or materially contributed to the illegal or infringing conduct of the corporate Defendants named herein. These individual Defendants are corporate officers of the corporate Defendants and thus are the moving, active conscious forces behind the corporate Defendants' illegal actions.

200. Individual Defendants, Adrian Pereira, Elton Pereira and Jason-Leo Carvalho are corporate officers of Defendant Paretologic, Inc. and in their capacity as corporate officers are the moving, active conscious forces behind Defendant Paretologic, Inc.'s illegal actions described herein.

201. Indeed, such officers are personally liable as contributor infringers where they normally engage in personal conduct that encourages or assists the illegal activity.

202. Individual Defendants Alexei Borisov and Levon Gasparian are corporate officers of Defendant Airon Corporation. In their capacities as officers of corporate Defendant Airon Corporation, they had or have knowledge of the infringing activity of Airon, thus inducing, causing or materially contributing to the infringing conduct of Defendant Airon Corporation. As corporate officers of Defendant Airon, Defendants Borisov and Gasparian are the moving, active conscious forces behind Airon's illegal activities described herein and it is immaterial whether these individuals are aware that their acts would result in the illegal activities including but not limited to infringement described herein. Indeed Plaintiff is informed and believes and thereon alleges that the individual Defendants knowingly engaged in personal conduct that encourages or

1 assists the past and present illegal conduct of Defendant Airon Corporation described herein.
2 Moreover, the individual Defendants Borisov and Gasparian Plaintiff is informed and believes
3 and thereon alleges had actual knowledge or reason to know of the infringing and illegal
4 activities of Airon Corporation.

5 203. Individual Defendants Linda K. Rosson, Matthew Rosson and Barry T. Rosson
6 are controlling members or managers of the corporate Defendant Rosson Ventures, LLC.
7 Plaintiff is informed and believes and thereon alleges that the individual Rosson Defendants have
8 knowledge of the illegal activities of Rosson Ventures, LLC whereby the individual Rosson
9 Defendants induce, cause and materially contribute to the illegal conduct of Defendant Rosson
10 Ventures, LLC in that the individual Rosson Defendants are the moving, active conscious forces
11 behind the illegal activities of Rosson Ventures, LLC.

12 204. Plaintiff is informed and believes and thereon alleges that the Rosson Defendants
13 engage in personal conduct that encourages or assists the illegal activities of corporate Defendant
14 Rosson Ventures, LLC.

15 205. Plaintiff is therefore informed and believes and thereon alleges that the conduct of
16 the individual Defendants named herein materially induced, caused or contributed to the illegal
17 conduct of the corporate Defendants described herein, and each of the individual Defendants,
18 with a knowing or intentional state of mind, contributed to the conduct constituting the illegal
19 violations alleged herein by the corporate Defendants.

20 206. Defendants, and each of them, in performing the conduct complained of herein,
21 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
22 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
23 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
24 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
25 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

207. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

TWENTY-FIRST CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For Infringement of Registered SERVICE MARKS -15 U.S.C. § 1114 - Vicarious Liability Against All Defendants)

208. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 207 above.

209. Assuming, *arguendo*, that the individual Defendants named herein did not have actual or direct knowledge of the illegal activity of the corporate Defendants, the individual Defendants named herein are vicariously liable for the violation of 15 U.S.C. § 1114 in that Plaintiff is informed and believes and thereon alleges that the individual Defendants named herein could control the illegal conduct and obtain a direct financial benefit from the illegal conduct of the corporate Defendants.

210. Plaintiff is informed and believes and thereon alleges that the individual Defendants named herein have the right and abilities to supervise the illegal activity and also have a direct financial interest in the activities of the corporate Defendants in which they are affiliated or controlled as an officer or principal shareholder or member or manager.

211. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.

Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

212. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

TWENTY-SECOND CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For Violation of 15 U.S.C. § 1125(a): False Designation of Origin/False Advertising Against All Defendants)

213. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 212 above.

214. Defendants' use of deceptive and confusingly similar variations and copies of the SERVICE MARKS as described hereinabove is a use in interstate commerce of words and/or symbols, a false designation of origin, and/or a false description or representation, and such is likely to cause confusion, to cause mistake, to deceive the public into the affiliation of Defendants with Pacific Information Resources and/or the WEBSITE, or as to the origin, sponsorship, or approval of the Defendants website and the WEBSITE. Such use has already misled and deceived, and will continue to mislead and deceive, the public into believing that the Defendants' counterfeit and infringing services originate with Pacific Information Resources, are

1 licensed by Pacific Information Resources or the WEBSITE, or are in some way sanctioned by,
2 or otherwise affiliated with, the services of Pacific Information Resources or the WEBSITE.

3 215. Defendants' unauthorized association of the counterfeit and infringing services
4 with Pacific Information Resources and/or the WEBSITE will cause such damage to the
5 WEBSITE that Pacific Information Resources will be irreparably harmed.

6 216. By so imitating, counterfeiting, and infringing the Pacific Information Resources'
7 SERVICE MARKS in interstate commerce, the Defendants have violated Section 43(a) of the
8 Lanham Act, *15 U.S.C. § 1125(a)*.

9 217. By reason of the foregoing, Plaintiff Pacific Information Resources has been
10 irreparably harmed and will continue to be irreparably harmed. Plaintiff is entitled to the
11 remedies provided for in *15 U.S.C. § 1116 et seq.*, including but not limited to damages, treble
12 damages, injunctive relief, and attorney's fees.

13 218. Defendants, and each of them, in performing the conduct complained of herein,
14 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
15 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
16 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
17 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
18 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

19 219. Defendants have engaged in, continue to engage in, and unless restrained, will
20 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
21 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
22 said damages would not adequately compensate for the injury to Pacific Information Resources'
23 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
24 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
25 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
26 and permanent injunctive relief against all Defendants' for their misconduct.

TWENTY-THIRD CLAIM FOR RELIEF

**(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For
False Endorsement Under Lanham Act, 15 U.S.C. § 1125(a) Against All Defendants)**

220. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 219 above.

221. As a result of the secondary meaning established for Plaintiff's SERVICE MARKS and as a result of Plaintiff's creating and producing the WEBSITE that has come to be recognized as "the public records website" since 1997.

222. Defendants have by their conduct complained of above attempted to convert as well as misappropriate Plaintiff's SERVICE MARKS and Plaintiff's WEBSITE and thereby deceive the public into believing that the websites sponsored by Defendants were either endorsed by Plaintiff or constitute authorized replications of the links and content of Plaintiff's WEBSITE. In short, Defendants are seeking to divert the goodwill that Plaintiff Pacific Information Resources has developed in its WEBSITE since 1995.

223. As a result of Defendants' unauthorized imitation of Plaintiff's SERVICE MARKS and Plaintiff's WEBSITE, Defendants have created a "false endorsement" in violation of 15 U.S.C. § 1125(a)(1)(A).

224. As a result of Defendants' improper "false endorsement" activities, Defendants are profiting, with minimal costs to themselves, from the considerable expenditures of effort, time and money that Plaintiff has invested over the past ten (10) years in developing its SERVICE MARKS and the WEBSITE.

225. By reason of the foregoing, Plaintiff Pacific Information Resources has been irreparably harmed and will continue to be irreparably harmed. Plaintiff is entitled to the remedies provided for in 15 U.S.C. § 1116 *et seq.*, including but not limited to damages, treble damages, injunctive relief, and attorney's fees.

226. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

227. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

TWENTY-FOURTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For Violation of 15 U.S.C. § 1125(a): Trade Name Infringement Against All Defendants)

228. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 227 above.

229. Plaintiff Pacific Information Resources has consistently registered and maintained various trade names with the Ventura County Clerk since 1989. These trade names are words, symbols, or any combination thereof used to identify a business or occupation and distinguish it from the business or occupation of others. California Business and Professions Code Section 14208. Trade Names "symbolize the reputation of a business as a whole." *Stephen W. Boney, Inc. v. Boney Services, Inc.*, 127 F.3d 821, 829 (9th Cir. 1997). The filing of any fictitious business name statement establishes a rebuttable presumption that the registrant has the exclusive

1 right to use that trade name as well as any other confusingly similar trade name. The trade names
2 legally registered and maintained by Plaintiff since 1989 include the words and symbols “search
3 systems”, and “searchsystems.net” (collectively the “TRADE NAMES”).

4 230. Defendants have used copies, and/or substantially and confusingly similar
5 variations, of Plaintiff's TRADE NAMES in interstate commerce without the consent of the
6 Plaintiff, for the purpose of selling counterfeit and infringing services. Defendants, and each of
7 them, have caused and continue to cause confusion, mistake, and deception in the minds of the
8 public.

9 231. Plaintiff's use of the TRADE NAMES has been exclusive and continuous since
10 1989.

11 232. Plaintiff has expended enormous amounts of time, effort and money promoting its
12 services and the WEBSITE through use of the TRADE NAMES such that the relevant
13 consuming public has come to associate Plaintiff's TRADE NAMES with Plaintiff or with
14 Plaintiff's services of producing the WEBSITE, such that Plaintiff's unregistered TRADE
15 NAMES have acquired “secondary meaning.”

16 233. By selling services using substantially and confusingly similar variations of the
17 TRADE NAMES or actual reproductions of the TRADE NAMES, the Defendants have imitated,
18 counterfeited, and infringed the Plaintiff's TRADE NAMES in interstate commerce and have
19 violated the Lanham Act, *15 U.S.C. § 1125(a)*.

20 234. By reason of the foregoing, Plaintiff has been injured in an amount not yet
21 ascertained and is entitled to the remedies provided for in *15 U.S.C. § 1116, et seq.*, including but
22 not limited to treble damages, attorney's fees and injunctive relief.

23 235. Defendants, and each of them, in performing the conduct complained of herein,
24 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
25 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
26 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of

1 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
2 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

3 236. Defendants have engaged in, continue to engage in, and unless restrained, will
4 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
5 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
6 said damages would not adequately compensate for the injury to Pacific Information Resources'
7 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
8 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
9 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
10 and permanent injunctive relief against all Defendants' for their misconduct.

11 **TWENTY-FIFTH CLAIM FOR RELIEF**

12 **(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief**
13 **Violation of Lanham Act, 15 U.S.C. § 1125(a) for Infringement of Trade Dress Against All**
14 **Defendants)**

15 237. Plaintiff Pacific Information Resources repeats, realleges and incorporates by
16 reference as if fully set forth herein the allegations set forth in paragraphs 1 through 236 above.

17 238. Plaintiff's WEBSITE has a trade dress which is the total image of its WEBSITE
18 business (the "TRADE DRESS"). Plaintiff's TRADE DRESS is the total image and overall
19 appearance of the WEBSITE which also includes the links and content of the WEBSITE for the
20 past ten (10) years. Plaintiff's TRADE DRESS creates a combination of mental and visual
21 elements that taken together create a distinctive visual impression in the minds of Internet
22 consumers.

23 239. Plaintiff is entitled to protection for its particular combination of elements which
24 constitute the TRADE DRESS of the WEBSITE as a whole.

25 240. The trade dress or website configurations of the Defendants' websites are
26 confusingly similar to Plaintiff's TRADE DRESS. The advertisements are substantially similar.

1 The configuration of Defendants' websites are confusingly and substantially similar to Plaintiff
2 Pacific Information Resources' WEBSITE.

3 241. The appropriated features of the Plaintiff's TRADE DRESS are non-functional.
4 Furthermore, Plaintiff's TRADE DRESS has obtained secondary meaning such that consumers
5 associate the TRADE DRESS of the WEBSITE with Pacific Information Resources or with a
6 single anonymous source (which is Pacific Information Resources).

7 242. Furthermore, there is likelihood that the public will be confused by the infringing
8 use of Plaintiff's TRADE DRESS by Defendants.

9 243. By reason of the foregoing, Plaintiff Pacific Information Resources has been
10 irreparably harmed and will continue to be irreparably harmed. Plaintiff is entitled to the
11 remedies provided for in *15 U.S.C. § 1116 et seq.*, including but not limited to damages, treble
12 damages, injunctive relief, and attorney's fees.

13 244. Defendants, and each of them, in performing the conduct complained of herein,
14 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
15 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
16 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
17 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
18 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

19 245. Defendants have engaged in, continue to engage in, and unless restrained, will
20 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
21 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
22 said damages would not adequately compensate for the injury to Pacific Information Resources'
23 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
24 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
25 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
26 and permanent injunctive relief against all Defendants' for their misconduct.

TWENTY-SIXTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For Violation of *California Business and Professions Code § 14330(a)*: Infringement of Unregistered SERVICE MARK Against All Defendants)

246. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 245 above.

247. Defendants' misappropriation, counterfeiting, and infringement of the SERVICE MARKS constitute the assumption, adoption, or use, with intent to deceive or mislead the public, for advertising purposes or for the purposes of trade, a symbol or simulation thereof or a part of a symbol or simulation thereof, which may deceive or mislead the public into believing that a connection exists between the Defendants and/or Defendants' website, on the one hand, and Pacific Information Resources (by name or as an anonymous source) and/or the WEBSITE, on the other.

248. By so misappropriating, counterfeiting, and infringing the SERVICE MARKS, the Defendants have violated *California Business and Professions Code § 14330*.

249. By reason of the acts of Defendants complained of herein, Plaintiff Pacific Information Resources is entitled to an injunction and all other relief against Defendants as provided for in *California Business and Professions Code § 14330*.

250. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

251. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will

suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

TWENTY-SEVENTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For Violation of *California Business and Professions Code §§ 14400, 14402: State Statutory Trade Name Infringement Against All Defendants*)

252. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 251 above.

253. As noted above, Plaintiff Pacific Information Resources has registered its various TRADE NAMES with the Ventura County Clerk. These TRADE NAMES are words, symbols, or any combination thereof used to identify a business or occupation and distinguish it from the business or occupation of others. California Business and Professions Code Section 14208. Trade Names “symbolize the reputation of a business as a whole.” The filing of any fictitious business name statement establishes a rebuttable presumption that the registrant has the exclusive right to that trade name as well as any other confusingly similar trade name.

254. Defendants' use of copies or of substantially and confusingly similar variations of the TRADE NAMES in interstate commerce without the consent of the Plaintiff, for the purpose of selling counterfeit and infringing services, has caused and continues to cause confusion, mistake, and deception in the minds of the public.

255. Plaintiff's use of the TRADE NAMES has been exclusive and continuous since 1990.

1 256. Plaintiff has expended enormous amounts of time, effort and money promoting its
2 services and the WEBSITE through use of the TRADE NAMES such that the relevant
3 consuming public has come to associate Plaintiff's TRADE NAMES with Plaintiff or with
4 Plaintiff's services of producing the WEBSITE, such that Plaintiff's unregistered TRADE
5 NAMES have acquired "secondary meaning."

6 257. By selling services using substantially and confusingly similar variations of the
7 TRADE NAMES or actual reproductions of the TRADE NAMES, the Defendants have imitated,
8 counterfeited, and infringed the Plaintiff's TRADE NAMES in interstate commerce and have
9 violated the *California Business and Professions Code §§ 14400 et. seq.*

10 258. By reason of the foregoing, Plaintiff has been injured in an amount not yet
11 ascertained and is entitled to the remedies provided for in *California Business and Professions*
12 *Code §§ 14330 and 14402.*

13 259. Defendants, and each of them, in performing the conduct complained of herein,
14 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
15 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
16 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
17 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
18 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

19 260. Defendants have engaged in, continue to engage in, and unless restrained, will
20 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
21 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
22 said damages would not adequately compensate for the injury to Pacific Information Resources'
23 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
24 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
25 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
26 and permanent injunctive relief against all Defendants' for their misconduct.

TWENTY-EIGHTH CLAIM FOR RELIEF

**(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For
Violation of *California Business and Professions Code § 14330: Service Mark Dilution*
Against All Defendants)**

261. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 260 above.

262. The SERVICE MARKS of the WEBSITE have been famous and distinctive from at least as early as 1990.

263. Defendants' use of the SERVICE MARKS or of versions of the SERVICE MARKS which are deceptively and confusingly similar, in connection with the counterfeit and infringing service dilutes the distinctive quality of and tarnishes the public image of the SERVICE MARKS and the WEBSITE, and harms the reputation of Plaintiff and the WEBSITE.

264. The Defendants attempt to replicate the links and content of the WEBSITE but in their name, with advertising geared to capitalize on the secondary meaning associated with the WEBSITE.

265. Defendants willfully and intentionally trade on, dilute, and tarnish the SERVICE MARKS and the reputation of the WEBSITE.

266. By so diluting and tarnishing the SERVICE MARKS and the WEBSITE, the Defendants have violated the *California Business and Professions Code § 14330*.

267. By reason of the acts of Defendants complained of herein, Plaintiff Pacific Information Resources is entitled to an injunction and all other relief against Defendants as provided for in *California Business and Professions Code § 14330*.

268. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of

1 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
2 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

3 269. Defendants have engaged in, continue to engage in, and unless restrained, will
4 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
5 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
6 said damages would not adequately compensate for the injury to Pacific Information Resources'
7 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
8 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
9 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
10 and permanent injunctive relief against all Defendants' for their misconduct.

11 **TWENTY-NINTH CLAIM FOR RELIEF**

12 **(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For**
13 **Common Law Unfair Competition Against All Defendants)**

14 270. Plaintiff Pacific Information Resources repeats, realleges and incorporates by
15 reference as if fully set forth herein the allegations set forth in paragraphs 1 through 269 above.

16 271. Defendants have unlawfully, unfairly and deceptively engaged in a pattern of
17 conduct whereby they have used without the consent of Pacific Information Resources, the
18 confusingly similar variations or the actual SERVICE MARKS, TRADE NAMES and TRADE
19 DRESS associated with Plaintiff's WEBSITE. Defendants have unlawfully and unfairly taken
20 the various intellectual and tangible properties of Plaintiff which are the results of Plaintiff's
21 organization and expenditures of labor, skill, time and money. Defendants in appropriating
22 these tangible and intellectual properties of Pacific Information Resources, are "endeavoring to
23 reap what [they] have not sown" and these Defendants are free-riders seeking to enjoy the
24 "benefits of a good without having invested the time, money and effort of creating it."

25 272. Defendants have, by unlawful, unfair and deceptive practices, represented and
26 advertised the WEBSITE as their own so as to cause confusion as to source and as a consequence

1 intentionally taken the customers of Pacific Information Resources from Pacific Information
2 Resources' WEBSITE.

3 273. Defendants, and each of them, in performing the conduct complained of herein,
4 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
5 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
6 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
7 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
8 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

9 274. Defendants have engaged in, continue to engage in, and unless restrained, will
10 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
11 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
12 said damages would not adequately compensate for the injury to Pacific Information Resources'
13 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
14 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
15 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
16 and permanent injunctive relief against all Defendants' for their misconduct.

17 **THIRTIETH CLAIM FOR RELIEF**

18 **(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For** 19 **Common Law Misappropriation Against All Defendants)**

20 275. Plaintiff Pacific Information Resources repeats, realleges and incorporates by
21 reference as if fully set forth herein the allegations set forth in paragraphs 1 through 274 above.

22 276. Plaintiff Pacific Information Resources invested substantial time, skill, and money
23 in developing its property, namely, the WEBSITE as well as the SERVICE MARKS, TRADE
24 NAMES and TRADE DRESS associated with the WEBSITE.

25 277. Defendants have improperly appropriated and used Pacific Information Resources'
26 property, namely, using substantially and confusingly similar marks as well as advertising a

1 website which is confusingly and substantially similar if not identical to the WEBSITE.
2 Therefore, Defendants have appropriated and are using Pacific Information Resources'
3 WEBSITE, SERVICE MARKS, TRADE NAMES and TRADE DRESS (collectively the
4 "INTELLECTUAL PROPERTY") at little or no cost to Defendants.

5 278. Defendants' appropriation and use of Plaintiff Pacific Information Resources'
6 INTELLECTUAL PROPERTY was without the authorization or consent of Plaintiff Pacific
7 Information Resources.

8 279. As a direct and proximate result of Defendants' unlawful conduct described
9 herein, Plaintiff has been damaged and injured in an amount which is unascertainable at this time
10 but which will be proven at trial.

11 280. In doing the acts herein alleged, Defendants have acted with the intent to harm
12 Plaintiff and have acted with oppression, fraud, and malice and therefore Plaintiff is entitled to
13 punitive damages. Defendants' actions are still ongoing and if not enjoined, will cause
14 irreparable harm to Pacific Information Resources in that the Defendants' unrestrained conduct
15 will lead to the ultimate demise and complete destruction of the WEBSITE and the complete
16 usurpation of Plaintiff's SERVICE MARKS, TRADE NAMES, and TRADE DRESS. Damages
17 will be insufficient to compensate for such destruction of one's business and therefore Plaintiff
18 seeks immediate injunctive relief from this honorable Court.

19 281. Defendants, and each of them, in performing the conduct complained of herein,
20 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
21 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
22 disregard of Plaintiff Pacific Information Resources' INTELLECTUAL PROPERTY rights,
23 thereby warranting an assessment of punitive damages or exemplary damages or enhanced
24 damages to the extent allowed by law in an amount appropriate to punish Defendants and deter
25 others from engaging in similar misconduct.

282. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Plaintiff Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

THIRTY-FIRST CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For Common Law Conversion Against All Defendants)

283. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 282 above.

284. Plaintiff Pacific Information Resources has an ownership or right to possession of the property known as the WEBSITE, SERVICE MARKS, TRADE NAMES, and TRADE DRESS. Defendants have improperly, illegally, and without consent of Plaintiff Pacific Information Resources misappropriated Pacific Information Resources' INTELLECTUAL PROPERTY and have thereby caused Plaintiff to suffer damages.

285. Accordingly, Defendants have wrongfully converted the intellectual property rights of Plaintiff Pacific Information Resources for which illegal acts Pacific Information Resources seeks damages that are unascertainable at this time.

286. Defendants' acts were intentional and designed to harm Plaintiff. Defendants' acts were done with intentional, wanton, and willful disregard of Pacific Information Resources' rights and accordingly such acts were willful and oppressive and therefore Plaintiff Pacific Information Resources is entitled to punitive damages.

287. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

288. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

THIRTY-SECOND CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For

Violations of California Business and Professions Code § 17500

Against All Defendants)

289. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 288 above.

290. Beginning at an exact date unknown to Plaintiff, but at least as early as May, 2005, Defendants have committed acts of untrue and misleading advertising, as defined by *California Business and Professions Code § 17500*, by engaging in the acts and practices described in paragraphs 1 - 288 herein, with intent to induce members of the public to enter into contracts for the purchase of services from Defendants related to Defendants' websites. The websites of Defendants, and the services offered therein, are confusingly similar to the

1 WEBSITE of Plaintiff, whereby Defendants have replicated the links and content of Plaintiff's
2 WEBSITE.

3 291. The acts of untrue and misleading advertising by Defendants described herein
4 present a continuing threat to members of the public in that the public will be deceived in
5 thinking that it is acquiring services from Defendants when in fact the consuming public
6 ("Internet consumers") will be under the belief that they are acquiring services from Plaintiff.
7 Plaintiff and other members of the public have no other adequate remedy at law in that damages
8 will not provide adequate compensation especially if Pacific Information Resources' business,
9 namely, the WEBSITE is ultimately destroyed by illegal activities and deceptive advertising
10 activities of Defendants. Wherefore, Plaintiff prays for injunctive relief pursuant to *California*
11 *Business and Professions Code §§ 17200 and 17500*.

12 **THIRTY-THIRD CLAIM FOR RELIEF**

13 **(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For**
14 **Intentional Interference With Prospective Economic Advantage Against All Defendants)**

15 292. Plaintiff Pacific Information Resources repeats, realleges and incorporates by
16 reference as if fully set forth herein the allegations set forth in paragraphs 1 through 291 above.

17 293. Plaintiff is informed and believed, and thereon alleges, that Defendants knew of
18 the long-standing and past contractual and economic relationships that Pacific Information
19 Resources had with the Internet consumers who had been using the WEBSITE over the previous
20 ten (10) years.

21 294. In collaborating to replicate the links and content of a website confusingly similar
22 to the WEBSITE, including infringing the SERVICE MARKS, TRADE NAMES, and TRADE
23 DRESS as well as engaging in false and deceptive advertising, Defendants have succeeded in
24 confusing and luring Internet consumers who normally would have contracted with Pacific
25 Information Resources at the WEBSITE, to instead contract with Defendants at their websites.

1 295. Defendants knew of Pacific Information Resources' long-standing economic
2 relationship with these Internet consumers and knew of Pacific Information Resources'
3 expectancy based on the reputation popularity and ranking of Plaintiff's WEBSITE.

4 296. Defendants knew that by their actions they were wrongfully interfering with,
5 actively disrupting prospective economic advantages of Pacific Information Resources, and
6 proximately causing damage to and disrupting long-standing relationships between the Internet
7 consumers and Pacific Information Resources. As a direct and proximate result of Defendants'
8 conduct, Pacific Information Resources has been damaged in an amount that is unascertainable at
9 this time but will be proven at trial.

10 297. Defendants, and each of them, in performing the conduct complained of herein,
11 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
12 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
13 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
14 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
15 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

16 298. Defendants have engaged in, continue to engage in, and unless restrained, will
17 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
18 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
19 said damages would not adequately compensate for the injury to Pacific Information Resources'
20 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
21 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
22 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
23 and permanent injunctive relief against all Defendants' for their misconduct.

THIRTY-FOURTH CLAIM FOR RELIEF

(Unjust Enrichment and Imposition of Constructive Trust

Against All Defendants)

299. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 298 above.

300. By virtue of Defendants' unlawful and illegal acts described herein above, Defendants have become, are becoming, and will become unjustly enriched at the expense of Plaintiff whereby revenues and profits properly belonging to Plaintiff have been diverted to Defendants.

301. By virtue of Defendants' improper and illegal conduct, Defendants have possession of intellectual property, namely, funds, revenues, and profits which rightfully belong to Plaintiff where by virtue of Defendants' wrongful acts, Defendants hold such property and funds as a constructive trustee for the benefit of Plaintiff.

302. Accordingly, Plaintiff requests an order from this Court as follows:

a. Declaring that Defendants hold such property described above in trust for Plaintiff;

b. Declaring Plaintiff the owner of such property;

c. Compelling Defendants to transfer, convey, or deliver all such property and funds to Plaintiff; and,

d. Compelling Defendants to submit to an equitable audit regarding the amounts by which they have been unjustly enriched.

303. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of

1 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
2 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

3 304. Defendants have engaged in, continue to engage in, and unless restrained, will
4 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
5 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
6 said damages would not adequately compensate for the injury to Pacific Information Resources'
7 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
8 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
9 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
10 and permanent injunctive relief against all Defendants' for their misconduct.

11 **THIRTY-FIFTH CLAIM FOR RELIEF**

12 **(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For**

13 **Violation of 15 U.S.C. § 1125(a): Unfair Competition**

14 **Against All Defendants)**

15 305. Plaintiff Pacific Information Resources repeats, realleges and incorporates by
16 reference as if fully set forth herein the allegations set forth in paragraphs 1 through 304 above.

17 306. Defendants' use of copies of the SERVICE MARKS, TRADE NAMES, and/or
18 TRADE DRESS or of deceptively and confusingly similar variations of the SERVICE MARKS,
19 TRADE NAMES, and/or TRADE DRESS constitutes passing off, infringement, and
20 misappropriation of the SERVICE MARKS, TRADE NAMES, and/or TRADE DRESS in
21 violation of 15 U.S.C. § 1125(a).

22 307. By reason of the foregoing, Plaintiff Pacific Information Resources has been
23 irreparably harmed and will continue to be irreparably harmed. Plaintiff is entitled to the
24 remedies provided for in 15 U.S.C. § 1116 et seq., including but not limited to damages, treble
25 damages, injunctive relief, and attorney's fees.

308. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources. Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

309. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Plaintiff Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

THIRTY-SIXTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For

SERVICE MARK Dilution in Violation of 15 U.S.C. § 1125(c)

Against All Defendants)

310. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 309 above.

311. The SERVICE MARKS of the WEBSITE have been famous and distinctive from at least as early as 1996.

312. Defendants' use of the SERVICE MARKS or of versions of the SERVICE MARKS which are deceptively and confusingly similar, in connection with the counterfeit and infringing service dilutes the distinctive quality of and tarnishes the public image of the SERVICE MARKS and the WEBSITE, and harms the reputation of the WEBSITE.

1 313. The Defendants attempt to replicate the links and content of the WEBSITE with
2 advertising geared to capitalize on the secondary meaning associated with the WEBSITE.

3 314. Defendants willfully and intentionally trade on, dilute, and tarnish the SERVICE
4 MARKS and the reputation of the WEBSITE.

5 315. By so diluting and tarnishing the SERVICE MARKS and the WEBSITE, the
6 Defendants have violated the Federal SERVICE MARKS Dilution Act of 1995, *Section 43(c)* of
7 the Lanham Act, *15 U.S.C. § 1125(c)*.

8 316. By reason of the foregoing, Plaintiff Pacific Information Resources has been
9 irreparably harmed and will continue to be irreparably harmed. Plaintiff is entitled to the
10 remedies provided for in *15 U.S.C. § 1116 et seq.*, including but not limited to damages, treble
11 damages, injunctive relief, and attorney's fees.

12 317. Defendants, and each of them, in performing the conduct complained of herein,
13 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
14 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
15 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
16 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
17 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

18 318. Defendants have engaged in, continue to engage in, and unless restrained, will
19 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
20 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
21 said damages would not adequately compensate for the injury to Pacific Information Resources'
22 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
23 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
24 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
25 and permanent injunctive relief against all Defendants' for their misconduct.

THIRTY-SEVENTH CLAIM FOR RELIEF

**(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For
Cyberpiracy Under Anticybersquatting Consumer Protection Act 15 U.S.C. §
1125(d)-Against All Defendants)**

319. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 318 above.

320. Defendants' use of deceptive and confusingly similar variations and copies of the SERVICE MARKS, TRADE NAMES, and/or TRADE DRESS, including but not limited to Plaintiff's website URL, www.searchsystems.net, as described hereinabove are:

- a. Infringing uses in interstate commerce of words and/or symbols;
- b. False designations of origin, and/or a false description or representation;
- c. Dilutive of Plaintiff's SERVICE MARKS, which have achieved sufficient recognition to be classified as "famous" under 15 U.S.C. § 1125(c); and
- d. Accordingly demonstrates bad faith intentions by the Defendants to profit from Plaintiff's SERVICE MARKS.

321. Indeed, such conduct by the Defendants is likely to cause confusion, to cause mistake, to deceive the public into the affiliation of Defendants with Pacific Information Resources and/or its WEBSITE, SERVICE MARKS, TRADE NAMES, and/or TRADE DRESS or as to the origin, sponsorship, or approval of the Defendants website and the WEBSITE. Such use has already misled and deceived, and will continue to mislead and deceive, the public into believing that the Defendants' counterfeit and infringing services originate with Pacific Information Resources, are licensed by Pacific Information Resources or are in some way sanctioned by, or otherwise affiliated with, the services of Pacific Information Resources or its WEBSITE, SERVICE MARKS, TRADE NAMES, and/or TRADE DRESS.

322. Defendants' unauthorized association of the counterfeit and infringing activities with Pacific Information Resources and/or its WEBSITE, SERVICE MARKS, TRADE NAMES,

1 and/or TRADE DRESS will cause such damage that Pacific Information Resources will be
2 irreparably harmed.

3 323. By so imitating, counterfeiting, and infringing the WEBSITE, SERVICE
4 MARKS, TRADE NAMES, and/or TRADE DRESS of Pacific Information Resources in
5 interstate commerce, the Defendants have engaged and continue to engage in cyberpiracy,
6 resulting in repeated violations of Section 43(d) of the Lanham Act, *15 U.S.C. § 1125(d)*.

7 324. By reason of the foregoing, Plaintiff Pacific Information Resources has been
8 irreparably harmed and will continue to be irreparably harmed. Plaintiff is entitled to the
9 remedies provided for in *15 U.S.C. §§ 1125 et seq.*, including but not limited to damages, treble
10 damages, injunctive relief, and attorney's fees.

11 325. Defendants, and each of them, in performing the conduct complained of herein,
12 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
13 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
14 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
15 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
16 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

17 326. Defendants have engaged in, continue to engage in, and unless restrained, will
18 continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will
19 suffer great and irreparable injury, for which damages would not afford adequate relief, in that
20 said damages would not adequately compensate for the injury to Pacific Information Resources'
21 business operations, reputation, goodwill, and customer base. Consequently, Defendants'
22 conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific
23 Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary
24 and permanent injunctive relief against all Defendants' for their misconduct.

THIRTY-EIGHTH CLAIM FOR RELIEF

**(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For
Cyberpiracy Under Anticybersquatting Consumer Protection Act-15 U.S.C. §
1125(d)-Contributory Liability Against All Defendants)**

327. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 326 above.

328. The individual Defendants had or have knowledge of the illegal and otherwise infringing activities described herein. Indeed, the individual Defendants induced, caused or materially contributed to the illegal or infringing conduct of the corporate Defendants named herein. These individual Defendants are corporate officers of the corporate Defendants and thus are the moving, active conscious forces behind the corporate Defendants' illegal actions.

329. Individual Defendants, Adrian Pereira, Elton Pereira and Jason-Leo Carvalho are corporate officers of Defendant Paretologic, Inc. and in their capacity as corporate officers are the moving, active conscious forces behind Defendant Paretologic, Inc.'s illegal actions described herein.

330. Indeed, such officers are personally liable as contributor infringers where they normally engage in personal conduct that encourages or assists the illegal activity.

331. Individual Defendants Alexei Borisov and Levon Gasparian are corporate officers of Defendant Airon Corporation. In their capacities as officers of corporate Defendant Airon Corporation, they had or have knowledge of the infringing activity of Airon, thus inducing, causing or materially contributing to the infringing conduct of Defendant Airon Corporation. As corporate officers of Defendant Airon, Defendants Borisov and Gasparian are the moving, active conscious forces behind Airon's illegal activities described herein and it is immaterial whether these individuals are aware that their acts would result in the illegal activities including but not limited to infringement described herein. Indeed Plaintiff is informed and believes and thereon alleges that the individual Defendants knowingly engaged in personal conduct that encourages or

1 assists the past and present illegal conduct of Defendant Airon Corporation described herein.
2 Moreover, the individual Defendants Borisov and Gasparian Plaintiff is informed and believes
3 and thereon alleges had actual knowledge or reason to know of the infringing and illegal
4 activities of Airon Corporation.

5 332. Individual Defendants Linda K. Rosson, Matthew Rosson and Barry T. Rosson
6 are controlling members or managers of the corporate Defendant Rosson Ventures, LLC.
7 Plaintiff is informed and believes and thereon alleges that the individual Rosson Defendants have
8 knowledge of the illegal activities of Rosson Ventures, LLC whereby the individual Rosson
9 Defendants induce, cause and materially contribute to the illegal conduct of Defendant Rosson
10 Ventures, LLC in that the individual Rosson Defendants are the moving, active conscious forces
11 behind the illegal activities of Rosson Ventures, LLC.

12 333. Plaintiff is informed and believes and thereon alleges that the Rosson Defendants
13 engage in personal conduct that encourages or assists the illegal activities of corporate Defendant
14 Rosson Ventures, LLC.

15 334. Plaintiff is therefore informed and believes and thereon alleges that the conduct of
16 the individual Defendants named herein materially induced, caused or contributed to the illegal
17 conduct of the corporate Defendants described herein, and each of the individual Defendants,
18 with a knowing or intentional state of mind, contributed to the conduct constituting the illegal
19 violations alleged herein by the corporate Defendants.

20 335. Defendants, and each of them, in performing the conduct complained of herein,
21 acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.
22 Defendants, and each of them, are therefore guilty of malice and oppression in conscious
23 disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of
24 punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an
25 amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

336. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

THIRTY-NINTH CLAIM FOR RELIEF

(For Injunctive Relief, Damages, Attorneys' Fees, Litigation Costs, and Other Relief For Cyberpiracy Under Anticybersquatting Consumer Protection Act-15 U.S.C. § 1125(d)-Vicarious Liability Against All Defendants)

337. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 336 above.

338. Assuming, *arguendo*, that the individual Defendants named herein did not have actual or direct knowledge of the illegal activity of the corporate Defendants, the individual Defendants named herein are vicariously liable for the violation of 15 U.S.C. § 1114 in that Plaintiff is informed and believes and thereon alleges that the individual Defendants named herein could control the illegal conduct and obtain a direct financial benefit from the illegal conduct of the corporate Defendants.

339. Plaintiff is informed and believes and thereon alleges that the individual Defendants named herein have the right and abilities to supervise the illegal activity and also have a direct financial interest in the activities of the corporate Defendants in which they are affiliated or controlled as an officer or principal shareholder or member or manager.

340. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.

Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

341. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

FORTIETH CLAIM FOR RELIEF

(For Misappropriation of Proprietary and Confidential Business Information (Trade Secrets) - 15 U.S.C. § 1125(a) - Against All Defendants)

342. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 341 above.

343. Defendants' acts and conduct, and that of each of them, as alleged herein, constitute or comprise acts of misappropriation of proprietary and confidential business information (trade secrets) in violation of 15 U.S.C. § 1125(a).

344. By reason of the foregoing, Plaintiff Pacific Information Resources has been irreparably harmed and will continue to be irreparably harmed. Plaintiff is entitled to the remedies provided for in 15 U.S.C. § 1116 *et seq.*, including but not limited to damages, treble damages, injunctive relief, and attorney's fees.

345. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.

Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

346. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

FORTY-FIRST CLAIM FOR RELIEF

(For Misappropriation of Trade Secrets - *Cal. Civ. Code § 3426.1* - Against All Defendants)

347. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 346 above.

348. Defendants' acts and conduct, and that of each of them, as alleged herein, constitute misappropriation of trade secrets as set forth under *Cal. Civ. Code § 3426.1, et. seq.*

349. Defendants, and each of them, in performing the conduct complained of herein, acted willfully and with intent to cause injury to Plaintiff Pacific Information Resources.

Defendants, and each of them, are therefore guilty of malice and oppression in conscious disregard of Plaintiff Pacific Information Resources' rights, thereby warranting an assessment of punitive damages or exemplary damages or enhanced damages to the extent allowed by law in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct.

350. Defendants have engaged in, continue to engage in, and unless restrained, will continue to engage in the wrongful and illegal acts described herein. As a result, Plaintiff will

suffer great and irreparable injury, for which damages would not afford adequate relief, in that said damages would not adequately compensate for the injury to Pacific Information Resources' business operations, reputation, goodwill, and customer base. Consequently, Defendants' conduct, if allowed to continue, would inevitably result in the destruction of Plaintiff Pacific Information Resources. Accordingly, Pacific Information Resources is entitled to preliminary and permanent injunctive relief against all Defendants' for their misconduct.

FORTY-SECOND CLAIM FOR RELIEF

(For Injunctive Relief and Relief in the Nature of Restitutionary Relief for Unfair Competition - *Cal. Bus. & Prof. C. § 17200* - Against All Defendants)

351. Plaintiff Pacific Information Resources repeats, realleges and incorporates by reference as if fully set forth herein the allegations set forth in paragraphs 1 through 350 above.

352. Defendants' acts and conduct, and that of each of them, as alleged herein, constitute or comprise unfair, unlawful, and fraudulent business practices in violation of *Cal. Bus. & Prof. C. § 17200*.

353. Defendants' wrongful acts and conduct, and those of each of them, as alleged herein, have proximately caused and will continue to cause Plaintiff substantial injury, including (but not limited to) loss of customers, dilution of its goodwill, confusion of potential customers, injury to its reputation, and diminution in value of its confidential information and other proprietary data. As a result and consequence thereof, Plaintiff will suffer imminent, irreparable harm and injury, the amount of which would be difficult, if not impossible, to ascertain in monetary damages. Plaintiff therefore is without an adequate remedy at law. Plaintiff therefore is entitled to an injunction restraining and enjoining Defendants, and each of them, together with their officers, agents, employees, and all persons acting in concert with them, from engaging in further such unlawful conduct.

354. Plaintiff has spent considerable amounts of time, effort and money on the development of its website. As a result of their unlawful activities, Defendants, and each of

1 them, have, in economic terms, experienced a “free ride” on all of Plaintiff’s work and effort.
 2 Furthermore, Defendants, and each of them, have diverted Plaintiff’s customers to their own
 3 sites, and as a result have not only realized revenue from those customers, but also increased
 4 advertising revenue as a result of higher page views. In addition to injunctive relief, Plaintiff
 5 therefore also seeks the full complement of restitutionary relief permissible under *Cal. Bus. &*
 6 *Prof. C. § 17200*.

7 355. Defendants’ illegal conduct has caused and will continue to cause actual and
 8 irreparable harm and damage to the financial and economic vitality of Plaintiff Pacific
 9 Information Resources. By reason of the foregoing, Plaintiff has been damaged in the amount
 10 that is unascertainable at this time, and Plaintiff will continue to be damaged unless Defendants
 11 are preliminarily and permanently enjoined from continuing their illegal conduct complained of
 12 herein, as Plaintiff has no adequate remedy in law. In the event of trial on the foregoing, Plaintiff
 13 will attempt to present sufficient evidence of the amount it has been damaged at that time.

14 PRAYER

15 WHEREFORE, Plaintiff Pacific Information Resources demands that judgment be
 16 entered against each of the Defendants as follows:

17 ON THE FIRST CLAIM FOR RELIEF

- 18 1. For General and Special damages to be proven at trial, to the extent allowed by
 19 law;
- 20 2. For injunctive relief to the extent allowed by law;
- 21 3. For attorney’s fees and costs to the extent allowed by law;
- 22 4. For punitive damages, or exemplary damages, or enhanced damages, or treble
 23 damages to the extent allowed by law;

24 ON THE SECOND CLAIM FOR RELIEF

- 25 1. For General and Special damages to be proven at trial, to the extent allowed by
 26 law;

2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE THIRD CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE FOURTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE FIFTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE SIXTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE SEVENTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE EIGHTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE NINTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;

4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE TENTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;

2. For injunctive relief to the extent allowed by law;

3. For attorney's fees and costs to the extent allowed by law;

4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE ELEVENTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;

2. For injunctive relief to the extent allowed by law;

3. For attorney's fees and costs to the extent allowed by law;

4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE TWELFTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;

2. For injunctive relief to the extent allowed by law;

3. For attorney's fees and costs to the extent allowed by law;

4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE THIRTEENTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;

2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE FOURTEENTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE FIFTEENTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE SIXTEENTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE SEVENTEENTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE EIGHTEENTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE NINETEENTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE TWENTIETH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;

4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE TWENTY-FIRST CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;

2. For injunctive relief to the extent allowed by law;

3. For attorney's fees and costs to the extent allowed by law;

4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE TWENTY-SECOND CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;

2. For injunctive relief to the extent allowed by law;

3. For attorney's fees and costs to the extent allowed by law;

4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE TWENTY-THIRD CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;

2. For injunctive relief to the extent allowed by law;

3. For attorney's fees and costs to the extent allowed by law;

4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE TWENTY-FOURTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;

2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE TWENTY-FIFTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE TWENTY-SIXTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE TWENTY-SEVENTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE TWENTY-EIGHTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE TWENTY-NINTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE THIRTIETH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE THIRTY-FIRST CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;

4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE THIRTY-SECOND CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;

2. For injunctive relief to the extent allowed by law;

3. For attorney's fees and costs to the extent allowed by law;

4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE THIRTY-THIRD CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;

2. For injunctive relief to the extent allowed by law;

3. For attorney's fees and costs to the extent allowed by law;

4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE THIRTY-FOURTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;

2. For injunctive relief to the extent allowed by law;

3. For attorney's fees and costs to the extent allowed by law;

4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE THIRTY-FIFTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;

2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE THIRTY-SIXTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE THIRTY-SEVENTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE THIRTY-EIGHTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE THIRTY-NINTH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE FORTIETH CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE FORTY-FIRST CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;
4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON THE FORTY-SECOND CLAIM FOR RELIEF

1. For General and Special damages to be proven at trial, to the extent allowed by law;
2. For injunctive relief to the extent allowed by law;
3. For attorney's fees and costs to the extent allowed by law;

4. For punitive damages, or exemplary damages, or enhanced damages, or treble damages to the extent allowed by law;

ON ALL CAUSES OF ACTION

1. That the Defendants, their officers, agents, servants, employees, heirs, assigns, successors-in-interest, and all persons in concert or participation with the Defendants be preliminarily and permanently enjoined from:

a. infringing Plaintiff Pacific Information Resources' registered SERVICE MARKS;

b. infringing Plaintiff Pacific Information Resources' unregistered SERVICE MARKS which have become distinctive in the public's mind and cause the public to associate Plaintiff Pacific Information Resources' services and Website with the SERVICE MARKS;

c. infringing Plaintiff Pacific Information Resources' unregistered TRADE NAMES which have become distinctive in the public's mind and cause the public to associate Plaintiff Pacific Information Resources' services and Website with the TRADE NAMES;

d. selling or marketing services in any way that tends to deceive, mislead, or confuse the public into believing that the Defendants' service is in any way sanctioned by or affiliated with Plaintiff Pacific Information Resources' Website;

e. diluting the distinctive quality of Pacific Information Resources' SERVICE MARKS, TRADE NAMES, TRADE DRESS and the Website;

f. otherwise competing unfairly with Plaintiff Pacific Information Resources or the Website;

h. infringing Plaintiff Pacific Information Resources' copyrights relating to or concerning its Website and Source Code.

2. That the Defendants be directed to file with this Court and serve on the Plaintiff within thirty (30) days after service of the injunction, a report in writing, under oath, setting forth in detail the manner and form in which the Defendants have complied with the injunction.

5. That the Defendants be required to deliver up for destruction all products, packaging, labels, literature, advertising, and other material bearing copies, imitations, or reproductions, including confusingly similar variations of, the SERVICE MARKS, TRADE NAMES, or TRADE DRESS, WEBSITE and SOURCE CODE.

7. That Plaintiff Pacific Information Resources have such other, further, and different relief as this Court deems just and proper.

NOVO LAW GROUP, P.C.

CASE NO. C06-02306 MMC

PROOF OF SERVICE

I am employed in the County of Orange, State of California in the office of a member of the Bar of this Court at whose direction this service was made. I am over the age of 18 and not a party to the within action; my business address is: **4199 Campus Drive, Suite 550, Irvine, California 92616**

On **January 25, 2007**, I served the foregoing document described as:

THIRD AMENDED COMPLAINT FOR DAMAGES, INJUNCTIVE RELIEF, ATTORNEYS' FEES, LITIGATION FEES, OTHER RELIEF, AND JURY DEMAND

on the interested parties in this action by placing ☐ the original ☒ a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

XX BY MAIL: I deposited such envelope in the mail at Irvine, California as indicated on the attached Mailing List. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee at the address on the attached Mailing List.

BY FEDEX: I deposited such envelopes at Irvine, California for collection and delivery by Federal Express with delivery fees paid or provided for in accordance with ordinary business practices. I am "readily familiar" with the firm's practice of collection and processing packages for overnight delivery by Federal Express. They are deposited with a facility regularly maintained by Federal Express for receipt on the same day in the ordinary course of business.

BY FACSIMILE: I transmitted the foregoing document by facsimile to the party(s) identified above by using the facsimile number(s) indicated. Said transmission(s) were verified as complete and without error.

XX BY INTERNET/E-MAIL: I certify that on January 25, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing as indicated on the attached Mailing List.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **January 25, 2007**, at Irvine, California.

/s/
J. Renée Nordyke

SERVICE LIST:

Pacific Information Resources v Musselman, et. al.
Case No. C06-02306 MMC

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